



Licensed and Entred

According to Act of Parliament.





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A N
ACCOUNT
OF THE
REASONS
OF THE
Nobility and Gentry's Invitation
Of His HIGHNESS the
PRINCE of ORANGE
I N T O
E N G L A N D.

Being a MEMORIAL from the *English Protestants*
Concerning their

GRIEVANCES.

With a Large Account of the *Birth* of the Prince of WALES.

Presented to their HIGHNESSES

The PRINCE and PRINCESS of ORANGE.



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OF THE
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A MEMORIAL

FROM THE ENGLISH

PROTESTANTS,

FOR THEIR HIGHNESSES THE

PRINCE AND PRINCESS

O F

O R A N G E.



T cannot be unknown to Your Highness, that the *Protestants of England*, that are Faithful to the Principles and Doctrines of their Religion, and to the just, Established, legal Government, are in divers kinds most intollerably vexed and oppressed by the *Popish* Contrivances and Practices, covered with the pretences and name of Authority.

That (*) Illegal things are daily imposed upon them, in their several Stations and Places, which they are convinc'd in their Consciences, can never be justified unto God or the Kingdom, and yet they are pressed upon them (without regard to their Consciences) by loss of their Offices and Employments, and many other threatened Effects of the Kings displeasure.

(*) The Instances hereof are too many to be recited, but some thereof are these, viz.

1. Most of the *Protestants* are pressed to declare for a Repeal of all the Laws made for the Reformation of our Religion and its settlement.
2. All the *Subjects* are forced to submit to Serve and Obey those that are no *lawful Judges, Sheriffs, Justices of the Peace, Mayors, Lords Lieutenants*, and other Commanders, and all are

Threatened, Vexed and Prosecuted, (as the *Lord Lovelace* now is) that dare but say that such have no *Lawful Authority*.
3. All the *Subjects* are commanded to suffer all the Actions and Offences of their Lives, and the secrets of their Hearts to be searched into, and their chief Interests and many of their Free-holds to be judged by the discretion of a few of the Kings Creatures, called, his *Commissioners for Ecclesiastical Affairs*, whose Commission is, to proceed without and against the Rules of our Laws, with a *non obstante* to all other Laws, and every Man is required to assist their *Arbitrary Powers* on peril of their Censures, which extend to imprisonment for Life. 4. All our *Ministers* are required under grievous menaced Penalties to be the *Kings Cryers*, to Proclaim in the Churches the *Kings Power* to suspend at once the force and use of all our Penal Laws made in 400 Years past to secure the Rights of the Crown, the freedoms and properties of the Realm, and the profession of the *Protestant Religion*. 5. All the *Protestants* are forced by fear of the *Kings Wrath*, to suffer the Rights of the Crown and the freedom of the Realm against *Foreign Powers and Laws*, to be publicly denied, and the force of *Foreign Laws* over them to be maintained; they are enjoined by the King to neglect their sworn duties to God, to the Crown and Kingdom, of prosecuting at Law those *treasons* which they know and see to be daily committed, for which no excuse can be made by pretence of Liberty of Conscience in *Christs Religion*. 6. The *Constables* and other Officers, throughout the Realm are forced to quarter *Irish and Scots* and other mercenary Souldiers in their Neighbours Houses against their Wills, in contempt of the Ancient Laws and the express Words of the late Statutes. 7. All the Gentlemen and Free-holders are pressed to renounce their native and legal freedom in their choice of Members for Parliament. 8. The Freemen of the *Cities and Towns* are urged to yield up to the *Kings Will* the Tenure of their *Magistracies*, and all their free Customs and Priviledges. 9. All the People are forced by fear of Punishments, to suffer a Child to be declared *Heir apparent* of the Crown, which ought not by the known Laws of the Kingdom to have been acknowledged until lawful Witnesses of his Birth of the Queen had been duly published to the Kingdom, as was necessary in this case, wherein publick fame makes him a *Counterfeit*. Yet to their shame and grief, the People are forced to seem in their publick Prayers to present him to God as their Prince, and dare not ask who are the Witnesses of his Birth. 10. Many of their *Juries* are pressed to Find their Neighbours Criminals, tho' in their Consciences they think them innocent, as is notorious (amongst many other Instances) in the case of those that made innocent expressions of their joy for the Justice that was done to the 7 *Bishops*: and many are forced to submit to be tryed in matters about the loss of their Estates, by Fines and their Lives also, by Juries returned, by secret Contrivances and Nominations contrary to the direction of our Laws, being neither of the most sufficient nor most indifferent of the nearest Neighbours to the Facts in question, nor by *Sheriffs* sworn as the Laws require, whereby the course of the Kingdoms Justice is perverted, and the legal Government subverted.

All these Instances are too well known to be denied by our Adversaries.

A

That

That many of their legal Liberties, Benefits, and Means of subsistence in their Churches and Colledges, are taken from them by meer Will and Pleasure, (A) and *Processes* and *Prosecution* by arbitrary Commissioners (B) are threatened and begun against great numbers of them without their guilt of the least Offence or Transgression against any of the Laws of this Realm

lively-hood, and Decreed incapable of any other Preferment, only for keeping to the Law, the Statute of their Colledge and Oaths. The Suspension of near 200 Ministers in the County of Durham, for refusing to read to their People the Kings Declaration for dispensing with our Laws, &c. (B) Viz. The Summons of the Commissioners for Ecclesiastical Affairs to the Chancellors, Commissaries and Arch-deacons of the Diocesses, of most of the Bishops, to return the Names of all the Ministers that did not read the Kings Declaration, wherein they transgressed no Law Ecclesiastical or Civil.

That they are debarred and spoyled of the due free (C) Election of their Magistrates and Officers in their Cities and Towns; and pretended Officers and Magistrates are imposed upon them and turned out and put in at the Kings absolute Will, as they are found ready to comply with, and serve the Popish Design either ignorantly or corruptly.

That several of the Bodies Politick of their Cities and Towns are declared to be dissolved at the Kings Pleasure (to terrify and subjugate the minds of all the rest) and the Citizens and Burgeses are thereby disfranchised, (D) and Divested of all their good Customs, Freedoms and Priviledges, if they cannot in Conscience comply with Illegal Commands, and will not treacherously surrender their legal Rights and Priviledges unto the Kings Will.

Subjects legal Interests at his Will, as if the Subjects had no Property.

That the legal securities provided by the Kings and Kingdom in Parliament against the dangers of their Religion and Liberties, are by the Kings absolute Command thrown aside, and made (E) useles, by pretence of his Power to dispence with those penal Laws notwithstanding the Subjects Right in them, for the protection and safety of their Religion, Liberties, and Lives, whereby the very Foundation of all the Subjects Rights and Properties is undermined and shaken, and a New Claim is set up and maintained; that the Subjects have no Right, Property, or security against the Will and Pleasure of their Kings.

That by colour of such a Dispensing Power the trust of the Kingdoms Defence and Safety by military Powers, is put into such hands as are made (F) incapable of them by many expresse Laws of the Kings and Kingdoms in Parliament, which justly give the Protestants sad apprehensions of imminent dangers, seeing themselves put into the Power of those that publicly profess to be in Union and Communion with the Church of Rome, that openly declare themselves to be the mortal Enemies to all Protestants, and that they are bound upon peril of their Salvation, to seek their Destruction, if they shall continue constant to the Protestant Profession.

That contrary to the expresse Laws of the (G) Realm lately declared in Parliament, an Army of Papists and Mercenaries is maintained, and dispersed through the Kingdom in full Peace, to the great disquiet and terror of the Protestants, and they are in divers ways constrained to receive these Soldiers into their Houses, to sojourne there against their Wills, whereby they are deprived of their Peace and Security in their Families, and of their Converse with their Neighbours and Friends, and of the advantages they might make in their ways of living.

That the King hath barred and forbidden the execution of the Ancient Laws of the Realm, against divers sorts of Treasons and other most hainous Crimes; and all the Statutes now known to have been made from age to age for 500 Years past, in relation to the Popes and Romish Priests (H) Powers and Practises are suspended; tho' the Experience of the Papists in all those Ages shewed those Powers and Practises to be so mischievous and dangerous, that they often complained in Parliament, they feared the (I) Destruction of the Kingdom by them.

(I) See the Statutes 35 Ed. 1. 25 Ed. 3. 72 Ed. 3. 16 Ri. 2. 5.

His Majesty also to Controuls the Courts of Law in the Course wherein Justice ought to be administred, that the Judges (tho' they have highly served the Popish Deligns,) are turned out of their Places, Honours and Pensions, if they dare but suffer the Laws justly to acquit those whom the King would have condemned, as appears (amongst divers other Instances) by his late displacing Judge Holloway and Judge Powell, upon the legal acquittal of the seven Bishops.

Viz. (A) The case of the Lord Bishop of London suspended. Of Doctor Peachel, Vice-Chancellor of Cambridge, and Master of Pembroke-Hall deprived. Of Doctor Hough and 26 Fellows of Magdalen Colledge Oxford, besides the Demes oured from their free-hold and

(C) The City of London and all the Cities and Towns Corporate of the Kingdom are sad instances of this, the King alone setting up whom he pleases to have the Names, and use the Powers of their formerly chosen Magistrates.

(D) So the King hath done to the ancient Cities of Oxford, Winchester, and the Borough of Totness; now threatens to do the same to the great City of Norwich, or something tantamount, whereby he assumes to dispose of the

(E) The late Statutes of 25 and 30 of Car. 2. were made expressly for the Protestants Security, so were those of 5 El. 1. 13. El. 2. 23. El. 1. 27. El. 2. 1 Jac. 5. Jac. 1. and the Stat. 25 H. 8. 19, 20, 21. and many ancient Stat. of Ed. 1. Ed. 2. Ed. 3. Ri. 2. and many other Kings, were made to secure the People from the apprehensions of the Church of Rome; and the King hath declared that none of them shall at any time hereafter be put in execution.

(F) 'Tis known all the professed Papists are by the Stat. of El. Jac. 1. and Car. 2. made incapable of holding any Trust or Powers in the Kingdom, and that the King hath placed the most of them in their hands.

(G) See the Pet. of Right 3. Car. and the late Statutes Car. 2. that declare the dispersing of Souldiers into the Country, and the quartering them in the Subjects Houses, to be against the Laws and Customs of the Realm, and 'tis Demanded and Enacted as the Peoples Right that they shall never be so burdened by Souldiers.

(H) See the King's Declaration for Liberty of Conscience, that suspends the Execution of all the Penal Laws whatsoever in matters Ecclesiastical, those that make it Treason to maintain the Popes Powers and Canons to be above our Laws, or to take his Dispensation of Obedience to them.

We need not shew to your Highness more particular Instances of our Oppression, since 'tis notorious that there is a publick attempt authorized by the King, to subvert the very Foundation of the whole *Civil legal Government* of the Kingdom, that is, the Peoples free Election (in the Customary Established Course by *Counties, Cities and Boroughs*,) of their Deputies to Act and Consent for them in Parliament unto all Laws to be made and repealed.

The truly Noble Monarchy was founded on equal Freedom; and the Civil Government of England, was always of right truly free, (K) because no Laws or Authorities ever bound the Persons and Properties of the Kingdom save only those, wherein the Kings and all the Subjects freely agreed, every Subjects free (L) consent being deemed by our Laws to be given personally, as by his Deputies to the Enacting and Repealing of every Law.

(K) See 24 H. 8. 12. 25 H. 21. 'Tis declared, that the Realm is free and subject to no Laws but by their own consent, and that the King and Parliament, representing the whole State of the Realm, have the Power to Dispense with the Laws as they shall see occasion.

(L) See the Statutes 1 Jac. 1. 1.

Therefore the Statutes of old in affirmance of the common Customs of England, declared that Elections should be free (M) from all interruptions and interpositions by the King or the Pope, and the Kings have bound themselves by the Statutes, no way to disturb any Electors in making their free Elections.

(M) See Stat. Westm. 1. 3 Ed. 7. The common Law is there declared, and the King bindeth himself not to disturb any Electors to make free Elections. See Car. 2. Parl. See 7 H. 4. 15. 6 H. 6. 4. 9 H. 4. 8.

No Commands, Promises, or Threats, no Prayers nor Solicitations ought to be made unto the Electors by the King or Pope, or any others: the Peoples Deputies (say the Laws) are to be chosen Freely, and Indifferently, without pre-engagement of the Electors, or fear of displeasing the King, and without promises of Favour or Rewards to them. They are to be indifferent at the Time and Place of Election, and in such manner to proceed, notwithstanding any Request or Command to the contrary; otherwise the Elections are void and null.

But we are not able to number the various kinds of Attempts and Practises to overturn this Foundation of our Government.

There have been infinite Endeavours and Artifices openly used, to destroy the Customs, Privileges, Charters and Governments of all the Cities and Boroughs, by whom Four parts in Five of the Members of the Commons in Parliament are to be chosen by the Custom of England; and to bring all these Bodies Politick, and all their Magistrates and Officers to be dependant on the Kings Will, and to be obliged as His Creatures (not the Cities and Towns Trustees) to serve his Popish and Arbitrary Designs, or to be turned out of their Places at His Pleasure; and such as are either Papists, or more Ignorant and Corrupt, put into their Places.

'Tis known to all, that for this purpose, to destroy our Government under colour of Law, there have been causeless Writs of Quo warrantos brought by the King against most of the Cities and Boroughs of the Kingdom; those were seconded by Instruments appointed to terrifie the Magistrates of the Cities and Towns with the Kings severe Displeasure, if they dared to insist upon their legal Right, and contest with the King at Law; to fright them with the intolerable charge, that their legal Defence would cost them more than they could bear; and boldly affirming, that they could not hope to maintain their Customs, Privileges and Charters against the King, since he was resolved to have them at His Command; then they tempted them with Promises of new Charters, if they would comply and surrender their Old Liberties into the Kings Hands, and pretended that the Names of all that refused it must be returned to the Kings Attorney General.

'Tis no less known, that Judges were prepared to damn the Pleas of all such Cities and Towns as would stand upon their Right, and Plead to the Quo warrantos, as the Magistrates of London resolved to do, their Common-Council refusing to surrender their Liberties, notwithstanding all Commands, Terrors, and Intreaties that were used to them; they knew it was not in their Power to betray their City, nor in the Kings Power to receive unto himself those Customs, Powers and Privileges which the Great Charter and the Common Law had given them. But such Judges as would not judge that Ancient Body Politick (that had holden their Customs above 1000 Years) to be dissolved, were turned out; and all the Freedoms and Privileges due to the Citizens and their Heirs, and to the City and their Successors, were declared by the Judges to be Forfeited; His now Majesties Instruments thereby preparing His Way (under the shadow of the late King) to destroy the Government of all other Cities and Towns, by frightening them into surrenders, or making a President for Judgment against them; and it hath taken such Effect, that the Tenure of almost all those Bodies Politick is illegally changed, and the Cities and Towns brought to such a forlorn Estate, that they have no Magistrates or Officers but at the Kings Will, and during His Pleasure.

As there is an actual subversion of the Freedom of the Government of the Cities and Towns, the Tenure of their Magistrates, and their free Customs being utterly destroyed, and those that now Exercise the Magistracies therein being incapable to chuse freely, and indifferently, and to return legally Members for Parliament, so there are continual attempts upon the personal Freedom and Indifferency of all the Electors for Parliament throughout the Kingdom.

His Majesty has personally solicited, and attached so many of them by His smiles and frowns in secret, to accept of such for their Deputies in Parliament as will comply with His Designs, that

His *Closeting* (N) *Electors*, is become a *By-word* amongst the People: He has made them consent to be barr'd of their Freedom in Electing for *Parliament*, and in Voting therein, if they be chosen, to be a *Test* of their *Fitness* to hold their *Offices* and *Employments* of Profit and Trust, and to have place in the *Magistracy*.

(N) Note that the Kings Practice of *Closeting* Members of *Parliament*, was the same as it's now for *Electors*.

The Three Questions to that purpose, are known to all, which His *Majesties Ministers* required to be answered by the *Justices* of the *Peace* and all other *Officers*.

The *Lord Lieutenants* of all the *Counties* by the *Kings* special Command, have Summoned the chief *Officers* and *Gentlemen* in His *Majesties* Name, to flatter or terrifie them out of the use of their *Freedom* in *Electing* for *Parliament*, and Marks of the *Kings* *Displeasure* have been put upon those that resolved to keep their *Freedom* and indifferency to Elect worthy and fit *Deputies* according to their *Judgments* and *Consciences*.

An unheard-of-sort of *Commissioners* as to their *Qualities* and *Instructions*, are lately sent from His *Majesty* throughout *England*, to *Delude* or *Affright* the *Electors* into a Choice of such Members for a *Convention* (to be called a *Parliament*) as will engage to serve His *Designs* of abolishing all those *Ancient Laws* and *Tests* that are the only *Humane* *Securities* of the free Profession of our *Religion*, and the clearest *Authoritative* *Declarations* of the *Rights* of the *Crown* and the *Liberties* of the *People*.

There need not be plainer *Proofs*, that the *Ax* is lay'd to the *Root* of our *Civil Government*, as the most certain way to introduce the *Laws* and *Religion* of *Rome*. Yet to convince the whole *World* in this matter, His *Majesty* has published a *Second* (O) *Declaration*,

wherein He has positively declared His *Mind*, that none ought to be employed under Him in the *Kingdom*, who will not contribute to these His *Designs*, and choose such *Members* of *Parliament* as may do their part to finish what He has begun. He has pronounced all that shall refuse it, to be neither *Good Christians* nor *Lovers* of their *Countries* *Wealth* and *Power*; and He Declares, that He has begun His intended form of *Government* suitable to those *Principles*, having turned out by His *Absolute Will* many *Civil* and *Military* *Officers* throughout the *Kingdom* in pursuance of this great *Work*.

(O) See the King's Second Declaration for Liberty of Conscience, April 27. 1688.

This puts it out of dispute, that His *Majesty* thinks He ought not to suffer any *Free Election* for *Parliament*, whilst there are such numbers of *Faithful Protestants* to Contest for the *Elections*, who cannot in *Conscience* contribute to the *Work* He has begun; That is, upon pretence of *Liberty of Conscience* to allow His *Majesty* to surrender unto the *Pope* the *Rights* and *Freedom* of the *Crown* and the *Kingdom*, or to acknowledge, that the *People* of *England* ought by the *Laws* of *GOD* and *CHRIST* to be subjected to the *Church of Rome's* *Laws* and *Jurisdications* in their *Persons*, and great part of their *Estates*; That the *Pope* and His *Priests* and *Canonists* should judge them by their *Canons*, in the lawfulness of their *Marriages* and *Contracts*, and legitimate or bastard their *Heirs* as they please; that the disposal of their *Goods* and *Chattels* by their *Last Wills*, their *Debts* about *Tythes*, and their *Good Names* and *Bodies* on pretence of *penances*, should be in their *Power* and *Will*.

This is the *Work* begun by His *Majesty*, which *Dishonours* and *Debases* the *English Imperial Crown*, and subverts the *Native Freedom* and the *Civil Properties* and *Interests* of *English Men*.

Those are the proper *Matters* and *Occasions* of most of our *Penal Laws* in matters *Ecclesiastical*, to prevent the *Fraud* and *Danger* of *Holy Pretences* for such *Unrighteous Attempts* against our natural and civil *Properties*.

Our *Penal Laws* are to punish *Offences* against the *Civil Government* and *Humane Society*; and tho they be about matters *Ecclesiastical*; the *Subjects* of *England* cannot pretend to be exempted from them, because of their *Consciences*, any otherwise than they may wickedly claim to be free from the *Penal Laws* against *Felonies* and *Murders*, if they shall plead that they Robbed or Killed according to their *Consciences*.

His *Majesties* avowed *Intent* and *Endeavours* are to free the *Emissaries* of *Romes* *Priests* and *Papists* from the punishments and dangers of those our *Penal Laws*, against such manifest *Attempts* upon the *Freedom*, *Rights*, and *Properties* of the *Realm*, that His new Erected *Popish Colledges*, His *Convents* of *Monks*, His *Four Provincial Bishops*, and His numerous *Priests*, may be authorized by Him without force of *Laws*, to maintain the *Church of Romes* *Canons* to be of greater *Authority* than the *Laws* of the *Realm*, to Declare all the *Power* of *Magistracy* in *Protestants* *Hands* to be *Unlawful*, and all *Rights* and *Titles* to their *Estates* forfeited to the *Papists*, by their being *Protestants*, to own and justify *Dispensations* from *Rome*, with their *Obedience* to all such *Laws* of the *Realm*, as the *Pope* and His *Priests* dislike, and professedly to hold *Communion* with the *Church of Rome*, the *French King*, and all *Foreign Papists*, that declare themselves *Mortal Enemies* to the *Religion* and *Power* of the *Protestants*, to contrive with them the *Suppression* or *Extirpation* of them out of the *Realm*.

This

This work, *his Majesty* hath so far begun, that he hath suspended and stopped the Execution of the *Penal Laws* against all the *High Crimes*, some whereof the ancient *Papists* of this *Kingdom* made *Capital*; and he declares all such *Protestants* as will not help to finish it, not to be qualify'd as *Christians* or *Englishmen* for any *Employment* in the *Kingdom*, and therefore least of all to be *Members* of *Parliament*. Hereby *his Majesty* attempts to Confine the *Electors* in their Choice to so small a party, that he allows them not the choice of one of forty whom our *Laws* make capable of being Elected for *Parliament*, the Number is so small (professed *Papists* excepted,) out of which his will is to have *Members* of *Parliament* chosen, that our *Laws* will judge it no choice if he can impose his will upon the *Kingdom* as he hath declared it.

Hereby *your Highnesses* may be satisfied, that our case is deplorable; it seems not sufficient for our *Popish Enemies* to seek the abolition of all our ancient *Penal Laws* that are not agreeable to those new invented *Doctrines* and pernicious *Practises* of the present *Church* of *Rome*, which the *Penal Statutes* shew to have been abhorred by our ancient *English* (p) *Papists*, but their design is to destroy the *Constitution* and form of the free *Government* of the *Kingdom*, from whence arose all those *Penal Laws* against their *Churches* proud *Domination* and their *Usurpation* of the *Rights* of the *Crown* and the whole *Realm*.

P. See the grievous complaints of the Commons in 25 Ed. 3. 4. provisos, and 6 Ric. 2. 5. 27 Ed. 3.

They know by our *Histories* and *Records*, that the free *Parliament* always made the *Complaints* from age to age against their pernicious claims of power over our *Kings*, our *Laws*, our *Courts* of *Judicature*, and their *Judgments*, and against their *Exactions*, *Impositions*, *Frauds*, and *Delusions* of the *People*, with their *Superstitious* folly, whereby they gained a (q) third of the revenues of *England*, and drew so much *Money* to *Rome* that they impoverished and almost ruined the *Kingdom*.

Q. See the Parliament Roll 4 H. 4. 1 H. 5.

They are sensible that they have been able to inflame to the *Pope* and *Priests* several of the greatest *English Kings*, that they could prevail with the *King* for *Licenses* and *Pardons* to them to transgress the *Laws* that the *Parliament* made to preserve the *Subjects Rights* and *properties*, and that the *Parliament* only caused new *Laws* to be made for declaring such (r) *Licenses*, *Dispensations* and *Pardons* of the *Kings* void and null.

R. See the St. 3 H. 5. St. 4. 7 H. 4. 8.

They know that they have persuaded several of the *Kings* that the *Pope* could absolve their *Conscience* from all obligation by the *Laws*, and from *Agreements*, *Promises*, and *Oaths* to their *Kingdom*, (s) to maintain their great *Charters* and all their *Laws* and *Liberties*: and that they prevailed upon one of them to resign the (t) *Kingdom* intirely to the *Pope*, and to hold it of him by rent; and they understand that the *People* in free *Parliament* only made and declared all such *Dispensations* and *resignations* void and null, and justly required those *Kings* to renew their *Oaths* to the *Kingdom* to preserve their *Liberties*; and scorned with (indignation) the *Popes* demands (v) of his pretended rent for the *Kingdom*, declaring that their *Kings* had no such *Patrimonial right* in the *Kingdom* to subject it to any powers on *Earth*.

S. So the Pope absolved H. 3. and Ed. 1. from their Oath to keep the great Charter.
T. King John made.

V. See the Roll. part, 40 Ed. 3. num. 8. Rot. Claus. 3. Ed. 1. cala. K. Johns Charter and Grant to the Pope a most unjust and forceless Charter; since burnt.

They cannot hope that a freely chosen *Representative* of this *Kingdom* can suffer such a delusion to be put upon them to be persuaded that due *Christian Liberty* of *Conscience* requires them either to allow the foreign *Romish Laws* or *Canons* to contest for power and place with the *Laws* of *England*, or to suffer any of the *Subjects* of *England* openly to profess themselves, their *Persons*, *Marriages*, or *Estates* to be subject to any *Foreigners Jurisdiction*, and to depend on their *Authority*, *Offices*, and *Sanctions*, and the exercise of them for their *Eternal Salvation* (which is in truth to renounce their subjection to *England*) or to own and avoid to have the nearest *Union* and *Communion* with *Foreigners*, that openly profess themselves *Mortal Enemies*, to more than a hundred to one of the whole *Realm*, and to be bound in *Conscience* to seek their suppression or destruction.

They cannot think that a free *English Parliament* should not always know that no *Doctrines* of *Jesus Christ* ever destroyed or changed the *Natural* and *Civil* right of any *person* or *Nation*, or allowed that any part of the *People* of a free *Country* should correspond with or depend upon the declared *Enemy* of the far greatest part of it; they have therefore resolved to over-turn the very foundation of our *Civil Government*, the *Peoples free choice* of their *Deputies* for *Parliament*, that there may never be a free *Parliament* more in the *Kingdom*, which is a Plot much worse than their *Gunpowder Treason*.

It seems they think it safest to keep a shadow of *Elections* for their intended *Convention*, by forming *Bodies Politick* of *Cities* and *Towns* to name or return whom the *King* pleases, and by the specious name of *Liberty* of *Conscience*, with promises of *Favour* and threats of *Displeasure*, to deceive or affright the other *Electors* to accept of those for their *Deputies* that the *King* shall offer: but if this attempt upon the *Prime Fundamental* of our whole *Civil Government* shall be suffered, the *King* may hereafter with as much *Justice*, *Law*, and *Reason*, call whom he pleaseth from any parts of the *Kingdom* to Consult with, and in the Name and under Pretence of their *Advise*, change our *Laws* and *Customs*, impose *Taxes*, and Alter at his pleasure the (w) *Succession* of the *Crown*.

W. Note that Cromwel took upon him such a power to send for men

by his Letters without *Election*, and called them a *Parliament*, and made *Acts*, and intended to have changed the *Succession* of the *Crown* to his own family, if those his *Creatures* could have agreed with him.

We must with sorrow shew *your Hs.* that they have so far prosecuted this their *Design* against our Government, that they have rendred it impossible to have a *Legal Free Parliament* Elected and returned in the present *State* of the *Cities* and *Boroughs*, the *Sheriffs* and *Officers*, and the *Condition* of the *Electors*, great *Numbers* of them are quite barred of their *Freedom* and indifferency to elect, which our *Law* requires, by the declared *Displeasure* of the *King*, and the threatned and certain loss of their *Offices* and *Employments* and *Benefits*, if they accept not of such for their *Trustees* as have unworthily resolved or promised to *Vote* against our *Established Laws* as the *King* will have them, without hearing the *Reasons* about them by the *Kingdom* in *Parliament*, and as we believe, without knowing the *Intent* and *Purpose* of the *Laws* they promise to abrogate.

'Tis not now practicable to have the *Legal Free Consent* of the *Kingdom*, unto the making or repealing of any *Laws* (without which they cannot be obligatory) until there be a just *Restoration* of the *Customs* and *Liberties* of the *Cities* and *Boroughs*, which have been illegally and treacherously surrendered, or unduly wrested from them, and legal *Magistrates* shall be duly chosen to execute *Writs* for *Elections* and make *Returns*, until there be a *Revocation* of the *Kings* terrifying *Declaration* of the unfitness for *Parliament*, and publick *Employments* of all that will not help to finish his great *Work* begun, of destroying all our *Penal Laws* for preventing the *Popish Practices* against the *Rights* of the *Crown*, and the *Realm*.

Nor until there be an absolute *Renunciation* of all the *Promises*, *Engagements* and *Subscriptions* of the *Electors* for *Parliament* taken by His *Majesties Orders* and *Ministers* to restrain their *Freedom*, and *Indifferency* in their *Elections*. Thus the cunning and *Malice* of our *Popish Adversaries* have cut off all our *Legal Means* of relief by the *Free Common Councils* of the *Kingdom*, whilst they lay close siege to take our *Bodies* and *Souls* captive.

We need not remember *your Highnesses*, that these *Attempts* and *Endeavours* to subvert our *Liberty* in our *Religion* and *Government*, is a part of that general *Design* that was formed and concluded on many years since in the most *Secret Councils* of the *Popish Princes*, chiefly managed by the *Jesuits*, to root out of all *Europe* the profession of the *Protestant Reformed Religion* and the *Peoples Liberties*.

We will not mention the notorious actual *Prosecutions* of that *Popish Resolution* in several *Kingdoms* and (x) *Dominions*, nor the treacherous *Falseness* of those *Princes* in their *Treaties*, *Agreements* and *Oaths*, nor the *Oppressions* and *Bloodshed*, and all kinds of *Unrighteousness* that have been practised by them in *Order* to that general great *Design*.
(x) That is in *France*, the *Dukedom* of *Savoy*, the *Kingdom* of *Poland*, & many others.

The instance alone of the *French King* is enough to be named instead of all, because he hath owned and published to the whole *World* his part in that *Design*, and by comparing the *Violences*, *Banishments*, and *Murders* done upon the *Protestants* at the same time by other *Popish Princes* (as they were able) with his publick *Confessions* of his long laid *Design*, we may make a true judgment of the whole.

The *French King* by his *Edict* (y) of 1685. hath declared, that he entred into that *Design* from his coming to the *Crown*; and it appears by the *Edict* (z) then prepared, and agreed by his *Council of Conscience* (that all his renewed *Edicts* in the *Protestants* *Favour*, his acknowledging and registering in *Parliament* their great *Services* for him, and his *Advancement* of many of them to the highest *Dignities Military* and *Civil* in his *Kingdom*, were done to flatter and deceive them; he calls *God* to be *Witness* of his *Designs* and *Resolutions* at that time to abolish their *Religion* by degrees, and that he only attended his fit opportunity for that great *Work*, as its called by our *King* and by that *Edict*.
(y) That *Edict* of 1685. is worthy to be read by every true *Protestant*.

(z) 'Tis fit to see in that *Edict*, prepared as its published, the opinion they have of *Protestants*. That they are deemed incapable of having any right to claim the benefit of the *Treaties*, *Promises* or *Oaths* made to them by the *Papists*.

In that interim of his seeming kindness to the *Protestants*, and solemn professions to them and some of the *Protestant Princes*, for their observing faithfully the *Law* and *Edict* of *Nants*, that was like the *French Protestants* great *Charter*, there were all possible *secret Contrivances* and *Practices* to prepare for that great *Work*, especially in *England*, that hath long been the head of the *Reformed Religion*, and the Chief terror of the *French King* and the *Popish World*; he shewed his fear of the *People* of *England* when he barbarously banished his now *Majesty*, and the late *King* in their distress, rather then displease *Cromwel*; he therefore applyed his principal *Councils* and *Endeavours* to distract and weaken the *Protestants* of *England*, and to persuade and assist the late *King* covertly to increase and strengthen the *Popish Party*; for that end his dearest *Confessor* the *Jesuite le Chaux* was ordered to correspond with *Mr. Coleman*, that was then Secretary to his now *Majesty*, and the (a) *Letters* Confessed by him before thou-

sands, shewed that the Matter proposed, was to root out of the *World* the *Protestant Religion* under the name of the *Northern Heresie*; and ten times more of the particulars of that wretched design had appear'd, if all *Mr. Coleman*'s latest *Letters* for two years and a half that were brought to *Whitehal*, and many culled out of the rest, had not been there suppressed and kept from the sight of the *Parliament*; yet *Mr. Coleman* on his *Trial* confidently avowed before all the *People* that design, of *Subverting* the *Protestant Religion*, and that he was only a subordinate *Minister* in it.
(a) See in *Coleman*'s *Letters*, in print published by the *Parliament*'s command.

It appears by those *Letters*, that the *French Kings Money* was to manage that *Work*, and the *Letters* brought into *Parliament* by the now *Lord Mountague*, acknowledged by the late *King* to be written by his order, prove to the world that the late *King* was content to become the *French Kings Pensioner* for five hundred thousand pound per annum to keep off the meeting of *Parliaments*; we had then discovered the increase of *Poperie*, and the danger of the *Protestant Religion*, and had thereupon formed the *Parliaments Test*, and were preparing other *Laws* for security against the *Popish Designs*.

It hath also been manifest to the world, that all kind of *Devices* and *Artifices* that the *Jesuits* Councils could invent were about the same years used to pervert the *Faith* and *Religion* of the *United Provinces*, or to betray them into the *French Kings* Power, or at least a dependance upon him.

'Tis now notorious to the world, that an agreement was made between the *French King* and his late *Majesty* of *England* to subdue and divide those *Provinces*, that they might no more be either a Support, or refuge for the *Protestants*. We crave pardon for our boldness, that we humbly appeal to your *Highness* whether your Integrity and Constancy in the *Protestant Religion*, and your Fidelity to your *Countries Freedom*, were not about those years vainly attached by those two *Kings*, or at least by one of them, and whether the Piety, Generosity and brave scorn and indignation expressed at their proposals, did not fix an Enmity in their hearts against you, the effects whereof you have suffered ever since.

The world hath also seen the Effects of the *French Kings* prosecution of the same design to take away the support of the *Protestant Interest* by his Pensions to the Chief Men of the Kingdom of *Sweden*, and to such as he could prevail with in the Court of *Brandenburgh*, and all other *Princes Courts* that adhere to the *Protestant interest*.

Yet the Chief of his Expence was upon our late *King* and his *Ministers* and *Counsellors*, who concurred in all the secret Practices and Contrivances to weaken the Power of the *Protestants*, and to suffer the Greatness, Glory, and Terror of the *French King* to be advanced; but he durst never openly and avowedly join with him in the great Work against the *Protestant Religion* for fear of his *Protestant Subjects*, he having deluded them with so many solemn Protestations of his Faithfulness to their *Religion* and their *Liberty*.

The *French King* found by experience, that the *Parliaments* had prevailed with our *King*, to break all the measures that they had taken together for the destruction of the *United Provinces*, by obliging him to a *Seperate Peace* with them, which had forced him to let fall his then spreading Plumes, and in crafty ways to seek and solicit a Truce, and therefore he durst not during our *King's* life put in Execution his great Work, that he declares had been so long in his heart, that by *Torments*, *Murders*, and all sort of barbarous Cruelties to suppress the *Professors* and *Profession* of the *Reformed Religion*, and intirely to race and expunge the *Memory* of it, as his *Edicts* and his Practices now declare to be his intentions.

That *French King* durst not throw off his disguise, and shew himself to be like a ravening Wolf to his *Protestant Subjects*, until our now *King* had publicly espoused the *Papish Design*, which he had together with him long prosecuted in the dark, and until he had begun to invade the *Protestant Liberties* and *Securities*, his putting the *Military Powers* in *Papish hands*, and to demand the *Parliaments* Consent to a Law (which they refused) to authorize him, to make his *Papists* the *Guardians* of the *Protestants Religion* and *Lives*.

The *French King* then knew that the *People* of *England* were in no capacity to interpose in behalf of his *Protestant Subjects*, however he should destroy them, and as his *Edict* says, being by the Truce without fear of disturbance, he intirely applied himself to the great Design, he sent his *Dragoons* to destroy the Poor *Protestants Goods*, and to torment their Bodies with more cruelty and inhumanity than was ever practised since the *Creation*; he resolved for his glory (as his *Clergy* told him) to shew himself the first and most illustrious of the *Churches Children*, and the Extirpator of the *Protestant Heresy*, which they told him was a more solid and immortal title then he acquired by all his Tryumphs.

He then presented that work of Extirpation as *Saul* did to *strange Countries*, breathing out threatnings and slaughter, he sent to the *Duke of Savoy*, and as that *Court* complains, perswaded and frighted that *Prince* into a most *Unchristian* and *Bloody Decree*, to compel the most antient *Protestants* in the *Valleys* of *Piedmont* to turn *Papists* forthwith; and they being faithful to their *Religion*, that *Edict* was persued by the help of his *Dragoons*, and the harmless *Protestants* tormented and murdered more cruelly than the worst of (b) *Viperine* or *Serpents*, until they were utterly destroy'd, and their *Country* (b) See the relation of it printed. given to the *Papists*. That *Court* of *Savoy* seems still (c) *Ashamed* of that horrid (c) See Dr. *Burnets* Letter from his personal inquiry. wickedness, and says for their Excuse, That the *French King* declared he would root out those *Protestants* by his own force, and possess the *Country*, if the *Duke* would not have assisted therein.

The suppression of the *Protestants* of *England* hath been always esteemed the principal part of the *Papish* delign to Extirpate the *Protestant Religion*, and therefore all the *Romish* Councils, Policies and Industries, their *Conspiracies*, *Poysoning*, and *Massacres*, have been long employed about it, and have perfectly gained our now *King* to serve their design; they have united him with the *French King*, that their Conjoynd Councils, *Treasures* and *Strength*, may finish their work of bringing *England* to the Obedience of their Church. Its many ways Evident, that both the *Kings* are under the like conduct, and our *King* proceeds in the same methods against us, wherein the *French King* hath been successful to destroy the *Protestants* of his Kingdom. His first attempt is to subvert our *Civil Government* and *Laws*, and the *Freedom*, and being of our *Parliaments*, just as the *French King* first invaded the *Supreme Legal Authority* of *France*, which was vested in the *Assembly* of *Estates*, from whom alone he now derives his *Crown*. Our *King* in imitation of his Brother of *France*, strives to bring all the *Offices* and *Magistracy* of the Kingdom, that were legally of the *Peoples* choice, to be solely and immediately depending on his *Absolute Will* for their being, whether they arise by our *Common Law* or be instituted by *Statutes* or *Charters*. He endeavours by various *Artifices* to bring the disposal of all the *Properties* and *Estates* of the *People*, and their *Lives* and *Liberties* to be at his meer will by a perversion of the instituted course of our *Juries*, and by *Judges* and a *Chancellor* fit for that purpose, and every moment dependant on his *Will*; he seeks to make his *Proclamations* and *Declarations*

to have as much Power over our *Laws*, as the *French Kings* Edicts. And after his Example he establisheth a mercenary *Army* to master and subdue the *People* to his *Will*.

If he can prevail in these things to overturn the *Civil Government*, then the *Liberty* of the *Protestant Profession* and of *Conscience* in all *Forms*, however seemingly settled by him, will be precarious, and he may as easily destroy it as the *French King* hath abolished the irrevocable *Edicts*, *Treaties* or *Laws* of his *Kingdom*, Confirmed by his *Oath*, which were as good security to those *Protestants* as any *Magna Charta* that our *King* can make for us, or any *Act* of a *Convention* with the name of a *Parliament*, which is possible for him to hold in the *State* unto which he hath reduced the *Kingdom*.

Our *King* hath the same *French Copy*, by which he writ assuring the *Protestants* of *Grace* and *Clemency*, giving them *Promises* of *Equal Liberty of Conscience* with his *Papists*, in preferring unto *Offices* and *Employments* those whom he resolves to suppress and ruin, preventing the *Execution of Laws*, and in allowing *Liberty of Conscience* in some notions, and the outward forms of worship in the *Christian Religion*, provided always that they have no regard or *Conscience* for the substance of *Christ's Religion* in *Justice* and *righteousness*, nor stumble at complying with him, or assisting him, in the highest *Crimes* against *Jesus Christ*, by invading the *Rights* and *Liberty* of the *Kingdom*, and assuming a forcible *Domination* to oppress whom he please, which is a subversion of the very foundation of *Justice* and *Love* amongst men, and by *Consequence* of the *Religion* preached and established by *Christ*.

These matters of fact are self-evidences, and clearly shew that our *Grievous Oppressions* by our *King* are the effects of the united *Councils* of the *Popish Interest*, whereof the *French King* is the *Chief*. That the *Conspiracy* against true *Religion* and *Liberties* that now appears in *England*, Comprizes all the *Protestant Princes* and *States* in *Europe*; *England* is only first attacked as the principal *Fortress* of the *Protestant Profession*, if the three *Kingdoms* of *England*, *Scotland* and *Ireland* can be reduced into the pattern of the *French King* in *Government* and *Religion*, and the strength of them be united against any single *Protestant State* or *Prince* they shall think fit to assault, if they can by *Artifices* keep the rest divided, which will not be hard for them; for there is little hope of any long defence of such a *State*.

The *French King* seems not unwilling to have it known that the *Popish design* is General against all *Profession* of the *Protestant Religion*, tho especially against *England*, he hath allowed the *Bishop of Cosnaes* speech to him at *Versailles* in 1685. to be published, who was authorized to be the *Mouth* of the *Clergy* of that *Kingdom*; he magnifies the *King* for suppressing the *Protestants* of his own *Kingdom*, and asks what they may not yet expect: *England*, saith he, is just offering to your Majesty one of the most glorious occasions that you can desire; the *King of England* by the need which he will have of succour and of the support of your *Arms*, to maintain him in the *Catholick Faith*, will make you quickly find occasion to give a protection wholly of your self. We know very well before the *French Clergy* declared it by that *Bishop*, that the same head that contrived the perversion of destruction of so many millions of the *Protestants* in that *Kingdom*, designed the ruin of the *English Religion* and *Liberty*: but it surprised us, to see that speech published by the *French Kings Authority*, and that our *King* should suffer the *Translation* of it to pass freely in *England* and thorow the *World*. We thought it beneath the Majesty of a *King of England* to be content that his subjects should be told, that he was to come under the protection of a *King of France*, over whose *Kings*, and *Kingdom*, his *Ancestors* had so often triumphed; but it seems nothing is to be esteemed inglorious that may serve the General *Popish design* of Extirpating the *Protestant Profession*.

We need not put your *Hs.* in mind that the same speech acknowledges that the *Popish Councils*, and *Conspiracy* against *England* intend the like ruin to the *Religion* and *Freedom* of the *United Provinces*; that *Bishop* tells the *King*, that he hath undertook the *Conquest* of new *Countries* there to re-establish the *Prelacy*, the *Religious worship* and the *Altars*, that *Holland* and *Germany* have been the *Theater* of his *Victories* only that *Christ* might triumph there, that is, that the *Papists* might trample upon the *Protestants* and their *Religion*, and this he speaks, (as he says) in the very *Spirit* of the *Church*, and signifies their hopes of success against the poor *Protestants* to be unbounded, saying, what may we not yet Expect.

We must freely Confess we were too slow to believe this desperate *Popish Plot* against the whole *Protestant Profession*, and in our particular Case we have been deluded with our *Kings* promises to protect and maintain our *Religion*, our *Laws* and *Government*, until we see them all undermined, and the train laid to blow them up by a packed *Convention* of men preingaged, perverted or corrupted to serve the *Kings* will and designs, that shall assume the name of *Parliament*: we were not utterly insensible of the danger of our *Liberty* in our *Religion*, and our *Government* from the time his now Majesty declared his late Majesty to have been a *Papist*; but who saw that by their secret Conjoynd *Councils* they had not been able to prevent the making some *Laws* to secure the *Protestants* by *Excluding Papists* from our *Parliaments*, and all *Offices* and *Employments*, and we hoped that our *Kings* life would not be sufficient to overturn by degrees (as they had begun to proceed,) the *Excellent foundations* of our *Civil Government*, nor to Extinguish the clear light of the truths of *Christ* Professed in our *Religion*; and we were assured that your *Hs.* minds were clearly enlightened in the *Doctrines* of the *Protestant Religion*, and adorned and accomplished with all *Christian* and *Royal Virtues* fit to possess the highest throne.

Thereupon we encouraged each other to suffer with patience his Majesties attempts against our *Laws* and *Liberties*, presuming that your *Hs.* would ere long be our joyful deliverers to the Everlasting Confusion of the *Popish designs* against our *Government* and *Religion*, and to the Vindication of the Innocency of the *Protestant Martyrs* in all the *Kingdoms* of *Europe*.

But as your *Hs.* were the greatest objects of our earthly hopes, so the thoughts of her *Royal Highnesses* succession to the *Crown* in Conjunction with your *Highnesses* *Virtues* and *Military* prowess and magnanimity

nity were matters of the greatest horror and dread to all the Popish Councils of Europe. They have therefore applied themselves to various consultations; sometimes it hath been proposed, by his Majesty's Power with a Parliament by the deluding Names of *Liberty of Conscience* and a *Magna Charta* therein, to Fetter Your Highness in Your accession to the *Crown* with such Conditions as were obtained in Parliament in the cases of *Queen Mary* and *Elizabeth*, which they hoped to strengthen by his Majesty's putting the Papists into possession of all the strength and Authority of the Kingdom, united with all the power of the French King, that your quiet Admission to the Throne might not be possible, unless you should submit unto, and depend upon the Papists, and the Conditions that they should impose. But they found it of greater difficulty than they at first imagined, to get a Parliament that would join with his Majesty in such a project against your Highnesses. Therefore some of the more cautious Papists, of considerable fortunes, stumbled at the absolute force of a mercenary Army, and the French Power, to put a force upon the Heirs of the *Crown*; they propounded, that his Majesty should rather try the force of his Paternal Power with her Royal Highness, and use all the arguments of interest to induce her either to change her sentiments in her Religion, or at least to moderate her thoughts concerning them, and incline her to concur in their full Liberty.

If such Endeavors should be hopeless, that then Your Highnesses should be at least prevailed with to declare your Consents to his Majesties Declaration for Liberty of Conscience, and your concurrence in his desires to a Parliament for the repeal of all the Penal Laws in matters Ecclesiastical, and the Test.

It was presumed, That Your Highnesses might have been perswaded, that the Laws suspended and dispensed with by his Majesty were only two or three Laws against the Protestant Dissenters holding their Conventicles, and some Laws made since the Reformation, only to Compel Papists by great penalties to come to Church, and to keep their Priests out of the Kingdom, and it was hoped that Your Highnesses Compassion to all Christians, and a tenderness of the Liberty of Consciences, would have moved you, without further Examination, to have complied with his Majesties Request.

It was believed Your Highnesses would never have inquired after the Penal Laws in Matters Ecclesiastical, made by the Ancient Papists many hundred years since, against the horrid Invasions by the Romish Church on the Rights of the Crown and the Realm, whereby they had impoverished, enslaved, and almost ruined the Kingdom; nor that your Highnesses would have understood that the King hath opened a return to all those wicked practices of that Popish Church, and that the repeal of those Laws would settle them.

It was supposed that Your Highnesses had not known that the Penal Laws in matters Ecclesiastical contain most of the clearest authoritative Declarations that are extant in any Records of the rights of the English Crown, of the Form and Constitution of our Government, and of the Rights and Liberties of the Subject; the Church of Rome's claims, Usurpation and intolerable abuses and oppressions having put a necessity upon the Kings and Parliaments to make those Declarations of Law that are now antient Evidences of the Inheritances of the Kings and People, of inestimable value.

It was imagined, That Your Highnesses would not have discerned the consequences of a General repeal of the Penal Laws in matters Ecclesiastical; that enacting only his Majesties Declaration, (as he propounds there) would be the most absolute and complete Establishment of Popery that the Romish Church can wish. All the Canons or Laws of the Church of Rome shall then have greater legal force in England than they have had in five hundred years past, and all her Authorities and Jurisdictions over our Persons and Estates will be in the same manner legal by ancient usage, and approved by Parliament, as ever they were heretofore in England; part of *Magna Charta* it self will be repealed, that makes it Penal to such as the Priest shall delude to give their Lands to Religious Houses.

There was such a Confidence of deceiving your Highnesses, and obtaining your Consent to the repeal of the Penal Laws, that the Priests spread a rumor, that you had agreed, and that his Majesty understood you well therein; a false Jesuit had the impudence to whisper it as a secret, that their general design could not miscarry, seeing they were secretly assured that the Prince of Orange would Concur in it when it was seasonable to declare himself.

We were certain of the falseness of those rumors, some of us knowing of applications that were contrived by his Majesties order to your Highness in that matter; and we were much surpris'd when a friend of ours at Whitehall told one of us about the end of August last, that the rumors of Your Highnesses concurring with his Majesty, were suddenly hushed, and that he heard a whisper that it was said with much anger, that Your Highnesses were obstinate in your Errors, and thought to make your selves popular with the Church of England, and he would trouble himself no more with you, but you should repent it.

Some few of us, who had often Conferences, concluded that the King had changed his measures, but could not imagin what was designed to offer to a Parliament in lieu of a Protestant Successors consent, to oblige them to repeal the Penal Laws desired by his Majesty. It was not long before we heard it muttered, that the Queen was with Child; and then the Papists began to Triumph, and the Priests gave out boldly, that it would set aside her Royal Highnesses right to the Succession, tho it were a Daughter; and ignorantly and impudently Affirmed, that if the Queen had a Daughter Born after the King came to the Crown, it ought to Succeed before a Daughter Born when he was but a Duke. But none but the Papists gave any Credit to the reports that she was with Child; and the Fable of the Dutchess of Modena's request in Heaven or Purgatory, and the Lady of Loreto's helping her to Conceive a Son for the sake of a fine present, made all but the Papists believe it a meer invention of the Priests, whatever should insue.

The story of it shewed it to be of the lineage of the Popish Legends, and was a matter of laughter and derision amongst the People, and a subject for Poets lampoons, which were so common that they were in Whitehall it self, and no doubt they came to the knowledg of his Majesty and most of his Court. The more

serious Protestants presently apprehended, that a supposititious Son was designed to abate *Your Highnesses* growing Reputation and Power, all the Protestants of Europe then justly looking upon her Royal Highness as Heiress apparent to the English Crown, and *Your Highnesses* in all respects to be the fittest head for the Protestant Interest against the General Popish Design.

They knew this device to be necessary for supporting the Glory and Terror of the French King, against the greatning reputation of *Your Highnesses* by the Expectancy of the English Crown; 'tis known that he dreads *Your Highnesses* Vindication and recovery of your own rights from his manifest violence and rapine, and your Patronage of the Protestant Interest in all Europe, against his Arbitrary and Bloody Designs.

He knows that if her Royal Highness succeeds to the Crown of England, he will be quickly incapable of prosecuting his cruel Intentions against the Protestants of other Countries, and, it may be, scarce capable of supporting his grandure and triumph over his miserable Subjects.

The very Expectation for 8 or 9 Months, that the Queen might bring forth a Son, was greatly for the Popish advantage, if the trick should have failed in the Issue by any unlucky accident; it made a stand for a time of the Protestants of all Countries in the great Expectations from *Your Highnesses*; it raised Triumphant hopes in all Popish Countries; it strengthened the English Papists hands and hearts to prosecute their design Vigorously; it encouraged Corrupt and Time-serving Protestants in Profession to fall in with their Party, and prevailed with many weak Dissenters to make them believe a Succession of Popish Princes, and that their Liberty of Conscience is only to be expected from them, and that therefore they ought to serve in their employments.

When we saw the Incredulity and Mockery of the multitude at the story of the Queens great Belly, and the sad apprehensions of the more Considerate, that for the politick support of the Popish design a Counterfeit Son of the King's might be imposed on the Kingdom, we resolved to observe and keep memorials of the rise, progress and issue of the whole matter (as far as we could get intelligence). We presently perceived that the Popish Priests were the prime reporters and most Confident Asserters of the undoubted truth of the matter; and they boldly took upon them to preface, that the Queen was with Child of a Boy, that was to finish the settlement of their Church in England, as Certainly as if they had seen the Fetus perfectly formed in her Womb, or rather as if they had been privy to the Plot of a Supposititious Boy, and had their Cue in the Management of it.

Their manner of talk and boasting increased the general suspicion; we knew that sort of Priests maintained the vilest wickednesses to be lawful for their Church's service, and that they have been notorious for impostures and Forgeries of all sorts; they once Forged an Eternal Gospel, (as they called it) to support the Orders of the Mendicant Fryers; and if we may believe some of themselves, they have a Father Tisler in some rich Convents to forge titles to any mans land adjoining to theirs when the Convents have a mind to them: those Priests contrived *Queen Marys* great belly for a counterfeit Heir to the Crown, to have Carried on their Catholick cause; and as great publick Triumph and solemn Prayers for her Belly were made at Rome, and in all Popish Countries, as have been made in our Queens Case; but their design was unluckily crossed when her Deliverance was Expected, and their Joys and Prayers vanished in smoke.

Some of those Priests were the Agents for the Bloody and unnatural Usurpation of our King Richard the third. A Priest Preached at Pauls Cross to make the People believe that King Edward 4. his elder Brother, whose Sons King Richard had Murthered, was a Bastard, not the lawful Son of Rich. D. of York, and that Richard was the true Legitimate Son, and had been a long time wronged of the Crown belonging to him.

It was a Priest's invention and management, to set up Lambert Symnel, a Bakers Son, against King H. 7. Counterfeiting him to be Earl of Warwick, and laying claim to the Crown, and was Proclaimed King in Ireland, and marched into England with a good Army to maintain his Pretence: and by the like advice Perkin Warbeck, another Counterfeit, was set up against the same H. 7. by Margaret Dutcheß of Burgundy, to be Richard the younger Son of Ed. 4. and made such a considerable party in Ireland, and was so received and assisted in Scotland, that he bid fair for the Crown: and we could not forget what a cheating trick the Jesuits invented and practised of later years about procuring an Heir to a Crown that is become their chief support in Europe.

The Remembrance of these, and many other wicked frauds of the Romish Priests of the like import, to change the Successions of Crowns to serve their Church, and seeing them so busie and industrious to prepossess the Peoples minds with an opinion that the Queen had a great belly, and that it was a Son, when it was impossible in Nature to be known, if she had been then really pregnant; these things, we say, put together, confirmed our suspicions that they acted a part as they were influenced, and that a Counterfeit Son might be resolved on to be set up for Prince of Wales, as common fame confidently reported.

The Collections and Observations we have since made of the things that occurred during the Queens supposed pregnancy, and about her pretended Delivery of this Son, have made the truth of the matter so plain in our apprehensions, that now we no more suspect, but conclude and believe this pretended Prince of Wales to be a meer Counterfeit, and we hold it our Duty to *Your Highnesses*, to our Country, and to the whole Protestant Interest (this Child being set up against all these) to set before you all the Memorials we have taken in the whole matter, several of us at least having been very near the Court during the whole Transaction.

We crave leave to put *Your Highnesses* in mind, that before we can convincingly set forth the special, and particular Facts and Circumstances that we have remarked in this matter, 'tis necessary that we first remember and evince the truth of some general Conclusions about the Proofs and Evidences where-
by

by a true Judgment ought to be made of this supposed Prince; and if your Highness shall be clearly satisfied in the truth of those Conclusions, whereof we cannot doubt, you may be fully convinced by them alone, without further hesitation or Inquiry, that this supposed Prince of Wales cannot be justly judged by any kind of Rules of Justice or Law whatsoever to be in truth born of the Queen.

The first certain Conclusion to be remembered is this, That by the Universal Rules of Justice and Equity, any Child of our Queens (that was expected or hoped to be the Heir of the Crown of three Kingdoms, and to postpone or set aside an undoubted Heiress apparent, and also the right Expectance of a warlike Prince, and divers Princesses of the Blood) we say, such a Child ought to have been attested to be born of the Body of the Queen, of the personal certain knowledge of proper Witnesses suitable to the case and concern, in so great a number, and of such unspotted fame, undoubted Authority, and perfect indifferency, that the Proofs of its Birth could never have been reasonably drawn into doubt or question, either in England or any other Christian Kingdoms or States.

A Son of the Queens Body had naturally and really made an entry in the moment of his Birth, upon the apparent right of her Royal Highness: She had thereby rightfully ceased to be Heiress apparent to the Crown, and no Rules of natural Civil Justice, nor the Law of any Civil Government, will allow or suffer entries to be made, and persons to be ousted of the Rights they apparently had in Judgment of Law, without sufficient proof either of right Paramount to the others, or a determination of those former Rights apparent.

Our English Laws, and special Statutes for that purpose, abhor any Entry upon the apparent legal Right of another, either of the Will of the King, or of any Subject; the Admission of such a Practice is absolutely destructive of Property and all Civil Justice and Government; it dissolves the whole Civil Government, and turns all into the confused course of natural Right; wherefore a Civil Government and Property is established on Entry of Will upon the Legally apparent Right of others, without sufficient Manifestation of their own greater or better Rights, is directly contrary to Gods Eternal Law, and that of all Righteousness amongst men.

Upon these certain infallible Foundations we build our Conclusion, That this supposed Prince of Wales, Born of the Body of the Queen, ought by the Laws of England, the Fundamental Rules of all Civil Justice and Government, and by the unalterable Laws of God, to be manifestly proved by them that pretend it, beyond all possible Contradiction, in such manner as is described and specified in the preceding Conclusion, and such proofs ought to have been publicly divulged and made known to England, and the World, before his Patrons ought to have entered in his name upon her Royal Highness Right, in the Judgment of our Laws to be filed and reputed the Heiress apparent to the Crown of England, and to assume to him that Honour and Glory, which her Highness justly had in England, and all the Kingdoms and States of Europe, to be apparently the next Successor to the Crown of England.

Questionless all the Civilized Kingdoms in the World, that are Hereditary, have pursued these principles of Justice and Reason in their common Custom, to have their Princes born in the presence of the Princes of the Blood, the chiefest Men of Religion, and the greatest Nobles and Officers in the highest Trusts for the Kingdom, and the Ambassadors and Ministers of foreign Kingdoms and States: That the Heirs of those great Inheritances might be so known and manifest, that it might not be possible for any Controversies to arise about their Births, and their being the Lineal Heirs of the Respective Kingdoms. Whenever Rights of any kind are obtained merely by virtue of Birth, those that claim them are bound to prove by Witnesses suitable to the Respective Circumstances of every Case, the reality of their pretended Birth at their Peril of being justly excluded from the Rights they demand; yet Justice does not always require the like Witnesses and clearness of Testimony about the Birth of all common Persons; the Circumstances of their cases being so different, that Witnesses of such qualities, and in such a number as may be sufficient proof for the birth of one Heir, may justly be judged insufficient for the birth of another.

But the Birth of the pretended Prince of Wales was attended with such Circumstances, that Justice required that his Birth of the Queen should have been testified by a plenty of such Witnesses as their proof might have amounted to the highest degree of Certainty that is possible to be built upon humane Testimony; doubtless the Circumstances of his pretended Birth were very extraordinary.

It was generally reputed and believed, that the Queen's sicknesses and infirmities had disabled her to bring forth a living Child. The famous Physician Dr. Willis shewed that opinion to his Brethren, of one of her Children, when her Majesty was much stronger, saying, there were *mala stamina vita*; and the popular opinion therein was confirmed by several years experience.

It was notorious that two hundred to one throughout the Kingdom did not believe the report that her Majesty was with Child, notwithstanding all that was said of it by the King and the Queen, and the Prayers enjoined thereupon.

That her Majestys pregnancy was as little believed in foreign Protestant Countries, as in England; and Pamphlets were published in several Countries as well as in England, that declared the Report of the Queens being with Child, to be nothing more than an Artifice of the Jesuits, by those hopes of a Popish Successor to the Crown, to encourage their Catholics in their Designs, and to gain Profelytes.

It was publicly known, that there was a jealousy in the greatest part of the Kingdom, that the Popish Councils had designed to impose upon them a counterfeit Prince of Wales.

There

There were also Circumstances about the Birth of this supposed Prince, of another sort, and no less important. It was the general opinion, that the Security or Danger of the Profession of the *Protestant Religion*, not only in *England*, but in all the *Kingdoms* and States of *Europe*, would be the certain consequence of her Majesties bearing or not bearing a *Prince of Wales*.

The Birth of such a Prince was to be a great diminution of many Princes and Princesses in their Expectancy and Right to the Succession to the three Crowns, and threatned *England* with the Danger and Misery of falling under an Infant Prince in name, and in truth under the Domination of *Rome*.

All these special Circumstances attending the birth of this supposed Prince of *Wales*, being of such nature, import and number, as the like never met together before in the Expectations of the birth of any Prince in the world. In this Case Natural Justice, common to all Nations, and the practical reason of the special Customary Law of *England* in the proof of Matters of fact, we say, both universal Justice and the Peculiar Law of *England* required indispensibly, that there should have been such proper proof that this supposed Prince was born of the *Queen*, as was answerable unto all the special Circumstances in the case, such proof as had comprehended the objections that might arise from every of them, as fully as was possible in the nature of the things, that the testimony of his birth might have been sufficient to have satisfied the most jealous and distrustful about it in our own and foreign Countreys, and to have removed all the prejudices against it that were known to have been spread far and near by Common fame.

It was absolutely necessary in Justice, Law and Prudence, to have had such proof of his birth as our precedent conclusion hath asserted: that is,

That there had been Testimony of it, of personal and absolutely certain knowledg. Women to have testified their Personal sight and perception of that very individual Child coming naturally out of the *Queens* womb, and men to have witnessed their immediate free and full sight and inspection of that very Child by the women's assistance in his pure natural nakedness, with all the known marks and tokens of his being just separated from the womb, and from those other things that are natural to the birth of a Child, the effects of such separation being there visible, and impossible to be hidden; such Testimony is always provided for in the birth of every Prince of the blood in *France*, tho never so remote from the Crown.

That the witnesses of those matters had been fit and proper witnesses, suitable to the greatness of the Persons and things that might be in question, and to the vast Extensive Consequence that may ensue thereupon. Nature or the first light from God Created in the minds of mankind, dictated the equity of those *Roman* imperial Laws that appointed those which asserted filiation or marriage, to prove them by fit or proper and most unquestionable witnesses; most of the Writers about those Laws serve themselves therein of these Words severally, which we will for shortness put together; *Matrimonium & filiationem qui asserunt, debent probare per testes idoneos omni Exceptione majores*, they that alledg a marriage or a Child being, by virtue whereof they claim, ought to prove it by witnesses that are above or beyond all possible Exception; in this case there ought to have been such fit witnesses that nothing could have been objected against them in any respect either by Englishmen or Foreigners.

That the witnesses that Law and Prudence required of both sexes, had been fit and proper in respect of their years, or age; that the women had been Matrons, whose gravity and sobriety were fit to attract some decent reverence from the men of like quality, in their Exposing to them nakedly the works of nature as was unavoidably necessary.

That they had been fit and proper in regard of their sufficiency of knowledg and understanding in the matters of Child-bearing, such as knew by Experience all those works of Nature, in what manner the Mothers ought to be and are Customarily treated in their real travel and Child-bearing, and immediately after it, and what are the natural Symptoms in the Mother, that Accompanie the real bringing forth of a Child before it hath been its natural time of nine Months in the womb, and at its due natural time, and also the signs of a Child perfectly grown in the womb, or brought to light before its time of perfection: it was of necessity that the witnesses had been of such knowledg and experience in all these Matters, or so sufficiently informed about them by others of skill and faithfulness, that it might have been Evident to the Kingdom that such witnesses could not be imposed upon, deluded, or deceived by any Cunning Artifices to believe this pretended Prince to have been born of the *Queen*, if he were in truth supposititious and Counterfeit.

The General Rules of our Canon Law required, that the Witnesses had been publicly known to the Kingdom by their Persons or their Names, their Interests, Concerns or Employments; our Fundamental Laws have taken care that all matters of Fact should be decided by Juries of the Neighbourhood where the Facts are done, that the Witnesses that testify them, may be known to the Jurors; and Fraud is always suspected, if persons unknown to the Neighbourhood of the Facts be produced to witness them, unless there be manifest reason for their knowledg of the Fact better than those that were near to the place, and known to the Jurors.

The reason of our Law is of impregnable force in the case of the supposed Prince, that the Witnesses of his Birth should be persons publicly known, on whose knowledg, truth and credit, the whole Kingdom and the Christian World should rely in a matter of such vast consequence. Obscure unknown persons never publicly named or heard of in this or any foreign Kingdom, and above all obscure foreigners, *French* or *Italians*, or others, ought not to be deemed fit or competent Witnesses to satisfy the Kingdom in this Fact: indeed when Circumstances are considered, it will be evident that their pretended Testimony ought to be rejected; and if it be offered, it justly puts a prejudice upon their pretences, in regard there was a whole Kingdom, besides all the Eminent Ministers of Foreign Princes and States, out of which Witnesses might have been

selected that were publickly known and heard of by all the People; and the necessity of it was never so manifest in any case, it being known to *his Majesty* and his whole *Court*, that the *Queen* being with *Child*, was not generally believed either in *England* or *Foreign Countries*.

Common Justice required that the *Witnesses* had been fit and proper, in respect of their high distinguishing Quality; either that they had been dignified with some of the highest *Ecclesiastical Dignities*, as *Arch-bishops*, or *Bishops*; or had been by *Birth* or *Creation* of the degree of the greatest Nobility of the *Kingdom*; or that their extraordinary Worth had raised their Reputation, and had been honoured with the great and eminent Offices of Trust in the Realm.

Our *Laws* are impartial to High and Low in hearing the *Testimonies* of *Witnesses* in every Case; and therefore they duly consider both the Circumstances of every Fact to be proved, and of every Witness, and his Capacity to prove it. Our *Laws* indeed judge not Truth and Integrity to be annexed and intailed to Dignity, Nobility or Greatness; yet they justly claim the *Testimonies* of persons of great Dignity in the Church, or of Noble Birth, and raised Knowledge and Fortunes, and independent upon others, as more free from exception (which this Case requires) than those that are of weak understandings, without the advantage of excellent Breeding and Instruction; or indigent, and bound to depend upon Favour of others for their support, like *Nurses* and *Midwives*, and other *Servants*.

Therefore (*Ceteris paribus*) (the Capacity and Probability of knowing the Facts and the Indifferency of Witnesses of High and Low degree being equal) our *Laws* justly allow most Weight and Credit to the Testimony of dignified and noble Witnesses, and they are therefore required to prove the Fact of a *Prince's Birth*, whereupon depends the Right and Title to *Kingdoms* to exclude the apparent Right of one, and to put another into possession of the same.

Our *Laws* presume Persons of such high degree to have greater sense and regard to Conscience, more generosity and contempt of Falshood, and more tenderness of their Honor than those of *Low Condition*, and upon that presumption, *Noblemen's Affirmations*, upon their Honor, are in many Cases accepted by our *Laws* in lieu of their Oaths, unto which all others are obliged in the same or like Cases; and for that reason their *Declarations* of the Birth of a *Prince*, without their making Oath thereof judicially, have been as certainly relied upon by the *Kingdom* in the Descent of the Inheritance without Dispute, as if they had sworn their knowledge in the forms of Justice.

There are also other *circumstantial Reasons* (unto which our *Laws* have regard) for the greatest value to be put upon the Testimony of the Nobility of both Sexes about the Birth of a *Prince*; they are most accustomed to the presence and conversation of the *King* and *Queen*.

Such *Ladies* are justly presumed to be free from too great awful Distances, Common to those of lower Quality; and to have more Audacity and Confidence to make such near Approaches to the *Queen* in her Travel and bringing forth, as are necessary, that they may be ocular Witnesses that they have seen the *Child* in its very Birth; and such *Nobles* are more bold and free to take such a searching view of the *Child* in its naked Naturals as may make them knowing Witnesses of its Birth, and absolutely certain that they are not deluded with a *Supposititious Child*.

Such *Noble Witnesses* are also known to have greater Obligations upon them than others, to prevent all possible Questions and Disputes that may arise by any uncertainties about the Succession to the *Crown*, which may divide and destroy the *Kingdom*, and their great Interest and Posterities; their Conditions and Fortunes are supposed, by our *Laws*, to be above temptations by Bribes of *Wealth*, or *Honour*, to connive at falshood, or to stoop to serve a *Counterfeit Prince*.

Upon all these Considerations, the *Witnesses* of the Birth of every *English Prince* ought to be of such High and Noble Quality; and it was known to have been infinitely more necessary, that the reason of our *Law* had been exactly observed in the case of this *Supposed Prince*, than ever it was since the foundation of the *Kingdom*; there never was any such occasion to have stopped the mouth of *Publick fame*, or to have shewed the justly jealous Subjects, that there were such fit and proper *Witnesses*, that a *Prince* was now born of the *Queen*, as were unquestionable, without any possible exception, whose truth and faithfulness might be relied upon securely. Justice also required, for full security, that there had been competent and sufficient numbers of those fit and proper *Witnesses*; at least that there had been so many of them as were able to obviate all ways and practices of deceit, that it could not have been supposed to be possible that a *Fraud* had been put upon them.

This sort of *Cautions* is always just and necessary in the Birth of our *Princes*; but in the present case there could have been no honest end, intention, or pretence to have confin'd themselves to a small number of *Witnesses* of a fact, wherein a *Kingdom*, known to be filled with just suspicions of an Imposture to be put upon them, were to be satisfied merely by the *Witnesses* averment, and a *Noble Princess* also to be excluded from being *Heiress* apparent to the *Crown*.

Our *Laws* require *Witnesses* of Facts answerable to the Nature and Circumstances of them, and always require ample *Testimonies*, when the Parties that are obliged to prove them, had it in their powers and choice, without charge or burden to themselves, to have multiplied their *Witnesses* to what number they had pleased, and could not be ignorant of the usefulness or necessity of it; and yet more especially if the fact were such, whereby Great Benefit was to accrue to them, and Answerable Loss unto others; in such a Case it would much abate the strength of the proof in the course of the *Law*, if there were such a small number of *Witnesses* as might leave room for any objection, or the least doubt of the fact.

The ancient *Roman Imperial Laws* in the Cases of Subjects, when there was a *Posthumus* to be born that might exclude another *Heir* apparent, We say, those *Laws* in common natural Equity to prevent a *supposititious Child*, appointed thirty days notice to be given to the apparent *Heir*, and all others whose Right was concerned, of the Ex-

pected time of her Travel, and delivery, that on the behalf of the Heir apparent, Women might be sent to be present to see the *Birth of the Child* that might become the Heir; that Law confined the number to five free Women to be sent, allowing her that was to be delivered to have also five Women of her own choosing, and no more; so that the number to be present at her delivery should not exceed Ten, besides *two Midwives*, and six Maid Servants that were no Witnesses.

This Rule was set down positively in the Empire, as the Dictate of natural Equity and Prudence; and although *England* hath no positive written Law, that prescribes any set number of Friends to be sent in such a case by the Heir apparent, to see the Birth of such a Child, yet the Custom and Practice is in every such case (tho' no Fraud be suspected) to give notice to the next Heir, and that some of their Friends are customarily sent (to what number they please) to be present at the *Birth of the Child*, that may be an Heir to the Exclusion of another.

That practice with us is not of Favour, but of Legal Right; our Common Law generally Binds all that set up a claim to any thing that another hath, to give such Notice of his pretence as is needful to make his just defence if he can, and to prove the Fact whereby he claims, by such a number of Witnesses as may put the Truth of it out of doubt to the Court of Judicature; but that number in the Course of our Law is greater or smaller, according to the Cause that appears of jealousy or distrust of the Truth of the Fact pretended.

These Rules of our Law, and the Reasons of them fully include the case of a Pretence of a Child to be born to exclude an Heir apparent; and if there were many known grounds of suspicion in any such case, that it was designed to set up a *supposititious Child*, and a notorious Common fame of it, and no notice were given of the time expected of the *Childs Birth*, hoped to be Heir, to the then Heir apparent, or to any that had expectances of the Inheritances; We say, in such a case, by the Rules and Practices of our Laws, a small number of *Witnesses of the Birth of a Child* ought not to be believed, since they that should claim for such a *Child*, might by due notice to the Parties concerned have had such *Witnesses* as had put the *Childs Birth* beyond all question.

Certainly by the reason of our *Common Law*, there ought to be a much greater number of *Witnesses* of the Birth of every of our *Princes*, than of the Birth of the *Subjects Heirs*; but our Law requires that the Birth of this pretended Prince of *Wales* should have been proved by a greater number of *Witnesses* than was ever needful heretofore, in the case of a Prince; there ought to have been so many fit and proper Persons present at his pretended Birth, that it might have been manifest to all that had heard it, that the Eyes of so many *Witnesses* of such Condition, Knowledge and Judgment, could not have been deceived in what they had testified to have known, and seen; the number ought to have been so considerable, that there could have been no reasonable Suspicion, that so many of both Sexes, and of various Dignities, Honours and Interests (and some of them of *Consanguinity* with the former Heiress apparent) had made a Confederacy amongst themselves to abuse the Kingdom with a Counterfeit Prince, and that so many had kept each others Counsel in a Fraud and Falshood so odious and injurious.

It had been common Prudence as well as Justice to the Realm, that the *Witnesses of the Birth* had been very many, that amongst such a Number some of them might have been known in one part of the Kingdom, and others in another Part, and that some of their Names and Qualities might have been known in *Foreign Countries*, and for that Reason the Ministers of *Foreign Princes* (according to Custom) ought to have been some of the *Witnesses*; the Peoples knowledge of the Names, Qualities, or Persons of the *Witnesses*, had much conduced to their fuller assurance of the Truth; it would have appeared to them incredible and almost impossible that the Integrity of such, and so many *Witnesses*, could have been attacked either separately or jointly.

But on the contrary, seeing Custom and Law required a good number of fit and proper *Witnesses* to have made up a Testimony of the Birth of a Prince, that might have been truly said to have been *omni Exceptione majus*, above all possible Objections against it; and seeing the wit of Man cannot invent a reason why the King and the Patrons of this pretended Prince of *Wales* did not provide such ample and unquestionable Testimonies, that he was born of the Queen, when they could not be ignorant that it was the voice of common Fame in *England* and *Foreign Countries*, that her Majesties Conception of a Child was merely Fictitious, and that a *supposititious Prince* was designed; and seeing no Excuse or Pretence is published for the neglect or failure of such a Testimony of his birth, we say (the Circumstances of the Case being considered) it's most unjust to expect, or demand of Your Highnesses, or of the People of *England*, or of *Foreigners*, a belief and acknowledgment that this pretended Prince of *Wales* was born of the Queen.

As our *Common Law* informs us, who are fit and proper *Witnesses*, whose Testimonies ought to be received in this Case, and in the proof of all Matters of Fact respectively; so the same declares who are deemed to be unfit, and disabled to be *Witnesses* in all the various and respective Questions of Fact; it shews whose Testimonies ought not to be heard, and much less believed in divers sorts of Facts that come into question. If your Highness and the Kingdom be told of the presence of such persons to have been at the Birth of this pretended Prince, as ought not by our Laws to be accounted *Witnesses*, nor their averments in the case to be heard by your Hs. or the Kingdom, and much less to be allowed to be of any Validity in the Common course of our Courts of Judicature; if parties concerned to prove a Fact do knowingly offer for *Witnesses* such as our Laws reject in the Facts in question, it turns to the prejudice of their other proof; we are therefore obliged to acquaint your Highnesses with the Actions, Qualities, Respects and Circumstances that have disabled many by force of our *Common Law* to be heard as *Witnesses* of the Birth of this pretended Prince of *Wales*.

First, Our Laws utterly disable all those to be heard in the Case, that have received either gifts of Money,
or

or Honours, or any other Reward or Benefit whatsoever for their pretended Assistance about his Birth, or by reason or occasion of that pretence; 'tis the Common Practice of our Law, that when a Witness is produced, the adverse Party may examine him upon his Oath whether he hath had Money or other Reward or Gift, directly or indirectly, for or by reason of the matter in question, or from the Party in whose behalf he is produced to testify, or from any of his Friends; if he cannot acquit himself thereof by his Oath, though it cannot be proved against him, our Impartial Law deems such a person not only to be partial in the Case, but corrupted, and bribed, and unworthy to be heard.

Our Law will not admit those to be Witnesses for the Birth of this supposed Prince of Wales, that have any Promise, Expectation or Hopes of any Advancement, Office, Place, or Benefit by or under him, if he shall be received and allowed by the Kingdom to be Prince of Wales; they that cannot purge themselves by their Oaths from all such Promises, Expectations and Hopes, are not in the Judgment of our Law persons indifferent and unconcerned in the Event of the Matter in question, nor fit to be heard as Witnesses, their Testimonies being partly for themselves, and their own Benefit; and the allowance of such Testimonies in Judicature would in consequence subvert all Civil Justice and Government. Our Law excludes all from being Witnesses to support the pretence of the supposed Prince of Wales, as have such dependance on the Patrons and Maintainers of him, that they are in danger of damage and loss by them of any kind, if they should displease them in their Testimony. Our Laws judge all such not to be free and of their own Right in the Case, but bound to serve and please the Patrons of the Cause, and therefore presume that they may be corrupted by fear of losing the Advantages they love, if they should impartially declare the whole Truth, and nothing but the Truth of the matter.

Our Laws seek to know the naked and entire Truth of all Facts that come into legal question or Contest, and will not admit of any to be Witnesses of them, unless they appear to be free from Fears of any Prejudice to themselves by speaking the Truth impartially. We are enforced by the Concern of all the Protestants, to speak more plainly than we would; we must say, that all that hold Offices of Profit and Honour during the Kings Will, are by the Laws of England excluded out of the Number of fit and competent Witnesses about the Birth of this Child, whom His Majesty hath proclaimed and maintains to be Prince of Wales; our good Laws have regard to humane infirmities, and will not put a temptation upon men to suffer them to be Witnesses in matters, wherein they may damnify themselves in the loss of their Offices, if they happen to displease their Master in his concern in the case, by testifying clearly the whole Truth of it; they are not free in the Judgment of our Laws, to speak the Truth without fear, and for that reason are not to be received by the Kingdom as Witnesses in this Case.

Our Laws will never allow or suffer any to be Witnesses in this Case, who are known, or may be proved to have Enmity or Prejudice of any kind upon any account whatsoever to Her Royal Highness, against whom most immediately this supposed Prince contends; she having been most unquestionably the Heir apparent of the Crown, and justly so remaining until the Kingdom shall be satisfied by a sufficient Number of lawful Witnesses, that there is a Prince born, whereby her claim to the next Succession shall be postponed. The question of Fact to be decided by Witnesses is apparently between her Royal Highness and this supposed Prince; and 'tis a legal unanswerable and conclusive Exception against any to be received for Witnesses against her in his behalf, that they are declared Enemies to her, and the Professed Protestant Religion, the destruction whereof they are bound in Conscience to endeavour; and for that reason such known Enemies to her right of Succession to the Crown, that their Church have decreed and declared her Right, and the Right of all Protestants to any Authorities, to be absolutely forfeited to the Papists for Protestant Heresie.

It cannot be denied, that all that are sincerely Roman Catholics, and believe their own Church, do judge Her Royal Highness to be an Excommunicated Heretick by their Church, and that all Her Rights in possession and reversion are thereby confiscated, and that they are all obliged by the Law of their Church, in Conscience of their Religion, and by the hope of Pardon of their sins, to defeat and destroy by all ways and means in their Power, all Her Pretensions to the Descent of the Crown upon her, and to assist to the investing the Right to the Succession in a Roman Catholic. We might here add, that our English Papists are all in Union and Communion with the Pope, as appears by his Nuntio in London; and he is by the ancient Laws and Statutes of this Realm declared the Publick or Common Enemy of the Kingdom near two hundred years before Henry the Eighth.

'Tis manifest that the English Papists are declared Enemies to Her Royal Highnesses Right in this Case between her and the pretended Prince of Wales, and therefore by the Laws of England they cannot be Witnesses of the Fact in question, neither ought their Testimonies therein to be offered to the Kingdom to Delude the People.

The Civil Law so fully concurs with our Common Law in rejecting Enemies to be Witnesses in the cause of their Enemy, that it denies to give credit to what they may testify in the cause of their Enemy with their dying Breath after they have received the Eucharist; that is the General Conclusion of the Doctors of that Civil Law, *Inimicus etiam si in articulo mortis constitutus, & accepisset Eucharistiam, repellitur a testimonio cause sui inimici*. We mention this chiefly to shew, that 'tis not only by our English Laws that our Papists are rejected from being Witnesses of the Birth of this pretended Prince against Her Royal Highness, but by the ancient approved Rules of the Civil Law which they generally acknowledg, and by the Judgment of their own Doctors.

Herein are only set forth to Your Highnesses the Laws of England, that you may justly insist upon as your Right to prevent the Church of Rome's Conspiracies against you: we reflect not on the credit or truth of any Roman Catholic Lords, or others, in giving their Testimonies in Matters of private Interests, wherein the

cause of their *Church* is not in question, and the *Laws* of their *Church* bind them not to either party ; but since they are bound in this case to be *Enemies* to Her Royal Highness, our *Law* will not allow them to be believed to her prejudice; and they must openly renounce that *common Honesty* to which they pretend, if they offer themselves to the *Kingdom* to be competent *Witnesses* against Her in behalf of this pretended Prince, when they are conscious to themselves, that not only our *Laws* but *Natural Justice* and *Equity* abhors such a practice.

We must say with all due reverence, and most humble submission, that *Our Laws* will not allow that the *Declaration*, or *Testimony* of His Majesty, or the *Queen*, should be accepted, and believed in this case as *lawful proof*, that this pretended Prince was born of the *Queen*; 'tis sufficient for us, that our *Laws* will not suffer our *Kings* to descend into the Place of *Witnesses*, they will not admit them to testify their own knowledge of the *Facts* in any case whatsoever, *Criminal* or *Civil*; but there is abundant reason also from *Natural Equity*, and *Civil Justice*, that the *Kingdom* should not receive and rely upon the *King's Affirmation* about the *Birth* of this supposed Prince; their *Majesties* have publicly espoused his Cause for their own in all respects; and none on Earth, *Kings* or *Subjects*, may justly expect, or be suffered to supply the Place of *Witnesses* in their own case, since *Civil Government* is established; if they might lawfully be their own proof for their cause, they might as justly be *Judges* of their own proofs, which in Consequence would turn up the *Foundations* of *Civil Government*; one of its chiefest original intentions being to introduce a course of *Justice*, that none might be their own *Judges*.

We would not speak thus plainly, if it were justly avoidable; we cast no *Scandal* hereby upon His Majesty, nor any way come near the crime of *detraction*; we barely relate the *Law* of *England* in this case of His Majesty's *Affirmation* of the *Birth* of this pretended Prince, that it hath not the force of *legal proof*, or of the *Testimony* of one *Legal Witness*, and His Majesty is obliged in *Justice* and *Honour* by his *Office* and *Oath* not to impose upon his *Subjects* to believe, and rely upon his *Affirmation*, or *Word*, in this case (nor on the *Queen's*, that's necessarily included in his) he cannot desire the *People* diffusively to change their *ancient customs* and *Laws* to substitute their *King's Words* or *Affertions* in the room of sworn *Legal Witnesses* to prove the *Matters* of the *Highest moment* about the *Government*.

If the *Kingdom* should allow the *Affirmation* of their *Kings* to be sufficient to make a *Lawful Prince* of *Wales*, without such *Witnesses* of his *Birth* as our *Law* requires, they should consent to Change the *ancient Constitution* of the *English Monarchy*, and so destroy the established *Legal Security* of their *Freedom* and *Estates*. The *Laws* of *England* in this case are not dissonant from the *Laws* of other *Kingdoms*, and the most absolute *Empires*; the *Civil Law* now received in most *Christian Kingdoms*, that was so adapted to absolute *Government* that it was one of its principles, That *Principis verbum pro lege habendum est*, the word of the Prince was to be taken for a *Law*; we say, that *Law* never ascribed absolute credit to the Prince's *Affirmations* of *Matters of Fact* wherein the *Subjects Rights* were concerned; it passeth for a Rule of that *Law* in such cases, *Princeps indistincte non creditur*; the *Emperour* is not to be believed intirely without *limitations* and *restrictions*, in his affirming *Matters of Fact* relating to his *Subjects Legal Interest* and *Securities*.

The *Learned Doctors* in that *Law* determine, that the *Emperor's Affirmation* that a *Subject* hath committed *Treason*, or *Rebellion* against him, ought nor to be believed, or taken for a *proof*; they say expressly, *Regi fides non adhibetur si attestatur salem fuisse proditorem*; likewise if he pretends and declares a cause why he deprives any *Subject*, or *Feudatory* of his *Interest*, he is not to be believed, there must be *proof*, and the parties intended to be prejudiced must be cited and heard in their defence.

They generally resolve, that when a *King* asserts or attests any thing to the prejudice of another, he is not to be therein believed, especially when his *Affirmation* is for his own advantage, and to the *Subjects damage*, or inconvenience: These are their words, *Quando ex assertione Principis, ipse Principaliter sentiret commodum & subditi incommodum, tum ipsi Principi non creditur*.

The *Emperor Henry* the 6. of *Germany*, had a due sense of the *Justice* and *Reason* of the *Law* herein about the year 1200. he did not Expect that the *People* should believe the *Affirmations* of himself, and his *Empress Constantia*, about the *Birth* of a Prince, when there was a rumor and suspicion that *Constantia* was past her age of *Child-bearing*, and feigned a *Great Belly*; he gave the *People* plentiful proof by *Witnesses*, more than *Reason* required; he prepared a most publick Place, wherein she remained expecting her time of *Delivery*, *Ventre Custodito*, with publick *Watchers*, or *Keepers*, that no *Supposititious Child* might possibly be Conveyed to her, and there in the sight of the *People* of the *City*, and all the *Matrons*, that would and could possibly approach her (none being Excluded) she brought forth a Prince, that was afterwards chosen *Emperer*, *Frederic* the 2d.

If it were needful we could shew Your Highness that the *Honour* and *Security* of our *Royal Family* of *England*, with the peace and safety of the *Kingdom*, were intended in the *Constitution* of our *Legal Monarchy* in such manner, that the *Kings* should not have *Power* at their will to Change the *Succession*, or by any means prevent the *Descent* of the *Crown* to the next in *Blood*. But if the *Kingdom* should believe his Majesty's *Affirmation* of this supposed Prince's *Birth*, without proof thereof, according to the *Laws* and *Customs* of *England*, the next *Succession* were really and actually thereby put out of the *Legal Course*, and referred to the will of the *King*, which is in effect to make the *Crown Patrimonial*, whereas by the *Laws* and *Customs* of *England*, the *Right* to the *Crown* descends to the next of *Blood*, and the *Successor* is most properly to be filed the *Heir* of the *Kingdoms*, by force of the *Kingdoms Laws*, and cannot be defeated of the *Succession* by any *Act* of the *Predecessor*; if therefore the *King* should gain so vast a power by imposing on the *People* to believe his *Attestation* of this supposed Prince's *Birth*, 'tis manifest that *natural Justice*, as well as the *Law* of Eng-

England makes it of no force or effect to the prejudice of her Royal Highness in her Esteem of being the Heiress apparent to the Crown.

We believe the Jesuits and other maintainers of this supposed Prince will claim (as is their common practice) against these our Laws, whose force detects and defeats their Impostures, they will pretend that 'tis unreasonable to expect a Testimony of his Birth from such Witnesses, and in such manner as are herein described exclusive of all Roman Catholics, but the reason and wisdom of these Laws are irresistible, and 'tis a great Circumstance, shewing their guilt that they are displeased with the Laws that prevent Falshood and Impostures, and require proofs of Facts as clear as the Sun.

The just and innocent are never offended at any Law, that provide for Truth and Righteousness, they cannot but be conscious to themselves, that it was more easie to have provided such Witnesses as our Laws requires of a Princes Birth then to have had such as they provided, that would Counterfeit to be Spectators, and be content (as 'tis now said they were) to see nothing of the Fact of which they were to be published to the Kingdom to have been the knowing Eye Witnesses.

'Tis notorious that the presence of ten of the Protestant Nobility of either Sex and other persons of Eminent Quality might have been as easily procured as one of the Catholics, if it had been intended to deal justly and fairly with the Kingdom, and they know that the Protestants throwout Europe (not the Papists) wanted and desired satisfaction about the Queens great Belly and her delivery, the suspicions of a Counterfeit Prince were strong amongst them, and decryed by all the Papists, they knew the Friends and those of Consanguinity with her Royal Hss. were as ready to attend if they had been called as any Catholic whatsoever; and they were not ignorant that Custom, Law and Natural Justice required, that Convenient notice should have been given to her Royal Highness above all others of the Expected time of the Queens Delivery, that such Noble Matrons as she had thought Necessary might have been sent to have Continually attended near her Majesty, and to have been impartial Witnesses of the Birth beyond Exception: they understood the custom of calling Embassadors to be present at the Queens Delivery, and that a Common fame of a designed Imposture was spread in forraign Protestant Countries, and that there were, Envoys and Publick Ministers from some of them, Especially that the Dutch had an Embassador there, and Expected to have been called: they know that those Provisions for legal, unquestionable proof of the Birth that was pretended, had been no hindrance of the presence, or assistance of as many Papists of each Sex as Her Majesty had desired, and she might have as intirely depended upon their only help, if it had been her pleasure; as if those lawful Witnesses had not been present.

The Popish Councils delude his Majesty, if they perswade him that any pleas of Inadvertency, Neglect, or Ignorance can satisfy the Kingdom instead of the proofs in the Case that the Custom and Laws of England require; 'tis a Rule of our Law that none shall make advantage of their own lachez, that is their Failers or neglects of what they ought to have done; lest evidence is never to be accepted in our course of Judicature, because the Party concerned was negligent in seeking it, or ignorant, when he might have known his duty.

We presume Your Highness in reading this may be satisfied in the Truth of our first Preliminary Conclusion, which is necessary to be always remembred in order to a just Judgment to be made of this supposed Prince of Wales, and of the things proper to be done by Your Highness, by reason or occasion of his pretences; we doubt not Your Highness will clearly perceive what you may in justice demand of his Majesty in the Case, preserving nevertheless a most pious sense of a filial Duty.

We may more remember Your Highness, that as the case now appears, no acknowledgment of that pretended Prince can justly be required of Your Highness by his Majesty. Its contrary to Justice and our Laws, that her Royal Highness should depart from her place and claim of Heiress apparent to the Crown and resign it to a Child, who is not yet lawfully witnessed to have been born of the Queen. We therefore put your Highness in remembrance of a second Conclusion fit to be premised in this Case as an absolute certainty to be insisted on; that is,

That neither the Laws of England, nor any natural or Civil Justice do require of your Highness any kind of Testimonies or proofs, that the pretences of this supposed Prince of Wales are false and feigned, or that he was not born of the Queen.

Whosoever claims to be the natural and legitimate Son of any Family, its wholly and solely incumbent on him, to prove it by the Laws and Customs of all Civil Governments, and by the manifest Light of Nature; those two Rules of the Civil Law are adopted by all Countries into their courses of Judicature, *Qualem quis se facit, pro fundamento intentionis suae talem se debet probare*; and, *Filius qui petit hereditatem tanquam filius debet probare filiationem*; if Sonship or other quality or relation be the ground of a demand, that Foundation must be always proved by the demandant; if he that pretends to be Heir by his Birth to any inheritance, fails of such sufficient Witnesses as the respective Laws of Countries require to prove his proximity of Blood, there needs no Testimony on the part of those that deny his Linal Descent. The Course of the Law of England is known to most Englishman in the Tryal of all claims by Birth; the claimant is always put to prove all that he sets forth of his Descent in his Declaration, and the least defect of proof is fatal to his process if the Defendant perceives the plaintiff to want sufficient legal Testimony of his Descent and Birth, he never troubles the Court with proofs on his behalf, 'tis enough for him that denies the Descent pretended, to shew the insufficiency of the Witnesses and their Testimony produced to prove it.

Your Highness is not obliged either by our Laws or Natural Justice, to have V Witnesses to prove the pretended Prince of Wales to be an Imposture, Her Royal Highness having been the legal acknowledged

Heirefs apparent of the Crown. Unless such *Lawful Witnesses* that he was born of the *Queen*, were known and published as did satisfy the *Kingdom*, neither your *Highness* nor any *Princes* or *States* may in Justice acknowledg his pretences, her *Royal Highness* ought to remain in the esteem of the *Kingdom*, and of all *Princes* and *States* as the *Heirefs* apparent of the *Crown*, at least until a *Prince* shall be legally known and declared; and 'tis a manifest wrong to your *Highness*, to the *Kingdom*, and to all the *Protestants* Interest, to suffer this *supposed Prince* silently and submissively without publick Complaint of the wrong, to assume the Name of *Prince* and *Heir* apparent to the *Crown*.

When the *Popish League* endeavoured to set aside the claim of your *Highness's* Ancestor *Henry 4.* to the *Crown of France*, and proclaimed the *Cardinal of Bulloign* to be *King*, he sent Agents to the *Pope* (though he was then a *Protestant*) and to all the *Princes* and *States of Christendom*, to manifest himself to be the right lawful *Heir* of that *Crown*, and the *Venetian State* (to his vast advantage) contested it with the *Popes Nuncio* that they ought so to acknowledg him because it appeared that he was the right *Heir*.

His Right indeed was to be *King* in possession, but there is the like reason and justice to support her *Royal Highness's* Title to the *Crown* in reversion, since another is set up, and declared throughout the World to be the right *Heir* of it, immediately after his now *Majesty*. 'Tis undoubtedly just and reasonable for her to demand, and expect, that the pretenders Birth (so much and so justly suspected) should be made manifest to the *Kingdom* by *Witnesses*, without exception according to the Law and Custom of *England* and to natural *Equity*.

It may be of dangerous consequence, to suffer a false Opinion of him in the *Kingdom*, and the world to gain strength by time, and neglect: yet neither *Law* nor *Equity* puts any burden of proof in the Case upon your *Highness*: 'tis only incumbent upon your *Highness*, to declare the wrong to your selves and the *Kingdom* by the pretended *Prince*, and to take care that no illegal imperfect or fallacious Testimony in the Case be invented or obtruded upon your selves and the *Kingdom* to support his pretences, her *Royal Highness's* claim and right to be the next in reversion after his now *Majesty* in the legal descent of the *Crown*, ought to stand unshaken, and unquestionable in the Judgment of our *Law* and the *Kingdom*, notwithstanding any thing to the contrary, that hath been hitherto lawfully published or declared.

We cannot doubt, but 'tis here made manifest that your *Highness's* publick refusal to acknowledg this pretended *Prince of Wales* may be built upon such sure Foundations of Law and Justice as can never be overturned; we would not therefore trouble your *Highness*, with all the Circumstances of the Case which we have remarked in our Observations, that make it to us not only improbable, but incredible, that he was born of the *Queen*. Since 'tis not possible for us to send *Witnesses* personally to prove to your *Highness* every circumstance that we have noted, and 'tis not just that Your *Highness* should take them up upon unknown Authority, since we cannot in prudence subscribe our Names to this Memorial, nor so much as the Names of our *Witnesses* to the Facts, since the Proof of the Circumstances can never be a Foundation of positive unquestionable certainty, but can only serve to make the Falsehood and Jesuitical contrivance in this imposture more infamous and odious: since 'tis undoubtedly Your *Highness's* Interest never to depart from the manifest Principle of Law and Justice, which put it wholly and entirely upon the Maintainers of the *supposed Prince* to prove him to be such as they pretend with the highest human certainty that can be acquired by *Witnesses*, and to the *Kingdom's* full Satisfaction.

And since 'tis notoriously known that above all others of the *Roman Church*, the *Jesuits* (which in this matter will most earnestly contend against Your *Highness's*) have the greatest effrontery Confidence to deny and forswear Matters of Fact however certainly proved and known, and they would be glad to have any thing offered in this Case that might give them room, or a possibility for dispute and seeming doubtfulness of Fact, that they might obscure the Truth, and deceive some of the People with their Equivocal Affirmation and impertinent Cavils at Your *Highness's* *Witnesses*, or their Testimonies and their bold Asseverations of Falsehoods.

Upon all these Considerations we shall restrain from the relation of many very pregnant Circumstances that we had collected, which if they were taken jointly in their natural Order and due Connexion, would by their united force strongly induce impartial Judges to conclude, that the *Queen* could not be the Mother of the *supposed Prince*.

We could give very great circumstantial assurances to Your *Highness*, that there never was or appeared to be any reasonable natural grounds for a belief that her *Majesty* had Conceived a Child. She never had the first most natural, known, and common sign of Conception; her *menses profluvium*, or *Terms*, continued their usual uncertain Course as formerly during the whole time of her pretended great belly; She did not conceal that it was with her after that manner of Women in her journey to Bath, nor that they continued some days after the *King* left her there; and all the industry used afterward to hide them in their Seasons, proved ineffectual, because those things come to the knowledge of more than were made privy to the whole Imposture designed.

Her *Majesty* having not that natural Sign of her *Termes Stopping*, whereby Women usually conclude themselves to have conceived, from whence she could make a reckoning, it seems by the *Kings Speech* in Council, that their *Majestys* had both thought fit to publish her Conception to have been at the time of the *Present* made to the *Lady's Image at Loretta*, upon the *Kings* return to the *Queen* at Bath.

It was then too soon for them to be provided of a *supposititious Child*, and so might name any time they pleased of her Conception, and then seek for a Child that might agree with it, and it appeared pious and great to make her Conception one of the Miracles of the *Lady's Image*, tho it happened Unluckily afterward, that they could not make the times of her Conception and *supposed delivery* to agree with nature's most constant time of Nine Months.

The

The Confidants and Advisors about the Imposture hearing the voice of Common Fame upon the King's Declaring when the *supposed now born Child* was shewn, that he had now a *son a strong and lively Prince*, the meanest child bearing Woman that were disinterred, saying thereupon in mockery, that such a child of about *Eight Months* was as great a *Miracle* as the *Queens Conception* hath been reported; we say, the Confidants fearing it might make the whole story less credible and help to detect the fraud, they have perswaded *her Majesty* to declare that she had miscounted the time of her Conceiving the Child, and that she knew very well, that she was with Child before her use of the *Bath*, by this new reckoning they thought that it might be affirmed, that the Child was born at his due time, and might be strong, and lively, as his *Majesty* had said, and they thought, it an easie sham to say Women misreckoned very often.

But, it was unhappily forgotten that her *Majesty* had continued and expressly affirmed her first reckoning several weeks after her *pretended delivery*; it was forgotten that it was known sufficiently that *her Majesty* had her *Terms* in her *Journey to Bath*, and *four days* after the Kings going from thence, which was a manifest proof that there was then no *Conception*; it was not considered that if it be truth that the *Queen* knew her self to have then conceived as she hath lately declared; then it cannot be a misreckoning, and the meanest Physician she had at *Bath* would have told her, that if she had imagined a conception as she now says, *Bathing* would probably destroy the *Embryo*.

It was not well remembered how the *King* had declared with her *Majestys* privacy the miracle of the time of her conceiving quite inconsistent with her now account, neither was it thought of in the now Council, how her *Majesties Truth* and *Honor* should be saved in her *contrary Stories*, of the time of her conceiving even since her *supposed delivery*; but we need not mention that, since the World knows how little regard the *Jesuite Confessors* have to truth.

Her Majesty shewed no grounds to believe her pregnancy by natures progress there in the Common natural Signs, that in four Months follow in every Woman, that hath a Child in her Womb, were wholly wanting in her *Majesty*, there was no swelling, or increase of the usual proportion of her *Breasts*, nor was there any milk ever seen to be in them (tho one Lady took the Confidence once to affirm it) the proportion of them was visibly the same to the Eyes of all that can be lawfully Witnesses, and were usually in her presence, and none of those Ladies proper to be *VVitnesses* could ever obtain the satisfaction to see a drop of milk from her breasts, tho it had been *her Majesties Honour, Interest, and Pleasure*, to have shewed it if there had been any reality in the pretence of her pregnancy.

We put this Circumstance into our memorial not without some Mirth in our meeting, because one of our company said, he was now sure that neither *her Majesties Physicians* nor the *Jesuits* were natural Philosophers, they might, (said he) with very little arts have caused the *Queens Breasts* at her age to have swelled with milk so plentifully that she might have easily milked it forth in quantity in the sight of the *Princess of Denmark* and all the *Protestant Ladies of the Court*, it may be done (said he) in rational, or animal Creatures, and he gave us instances of undoubted credit wherein it had been done to his knowledge and a Child suckled, and to divert us he offered to shew it in an animal, he having also tried that Experiment, and thereby milked out the milk from a young Creatures Udder that had never been with young; another of the Company said merily, if that were so easie an artifice, he wondred that the *Romish Priests* had not learned it, since its known to the World that they have long had the Art of keeping the *Virgin Marys* milk above *1600 Years*, and of multiplying the quantity of it from *Horse Loads* to *Cart Loads* to disperse among their credulous vulgar.

We humbly pray your Highnesses Pardon that we seem herein less serious then so great a matter requires, we speak only the words of truth and soberness, but the comical tricks of the *Romish Priests* (that commonly ends in Tragedy) force us to represent them as they deserve.

There's another known sign and testimony of a Womans pregnancy, that is, the sensible stirring of the Child in the womb, that was expected *her Majesty* should have shewn to the Ladies with Joy, especially to those *Protestant Ladies* of her bed Chamber, that doubted (with the Protestant Dr. her then Physician) her being with Child, as far as they durst (when the quickening of a Child in her womb was pretended, and published throughout the Kingdom; it had been a Pleasure to *her Majesty*, and no trouble (if it had been real without deceit) to have shewn the motion of a Child in her womb to honorable Matrons of her Bedchamber, that might have been in all respects lawful *VVitnesses* of that truth to the *Justly Jealous Kingdom*; these might have touched her belly, and had been proper Judges from their Experience of the true motions of an infant in the womb, and some of Consanguinity to the *Heyrefs* apparent might have been admitted to that favour as our Laws and common prudence directed for removing the causes of Jeasie; but however industriously her *Majesties* quickening with Child was spread abroad, yet the feeling of its motions was never vouchsafed to any competent *VVitnesses* of it, to give the suspicious Kingdom a ground to believe, that she was with Child.

The next visible and manifest sign of the true natural progress of a great belly, is the distension of all the parts of the Body, that incircles and incompasseth the womb, such is the place and manner wherein nature hath prepared the lodging of the growing Child in the womb, that according to its growth, and increase, and the quantity of liquors, that are there naturally and necessarily congested there, so are all the Circumambient parts gradually extended, and enlarged to make room; there never was nor naturally can be an Extension only of the *Peritonemum* the Rim of the belly to give room to the Child, all *Naturalists* and *Anatomists* know that if in that manner no Child could keep its natural sight in the womb, nor be born alive.

All men and Women, that ever observed Women great with Child, know that all the parts that inclose the Cavity swell until the time of their delivery approach, but this natural necessary sign of pregnancy so in-

tirely failed in *her Majesty*, that skilful spectators of both sexes wondered, that better arts were not used to make that visible sign, and appearance of the growth of a Child in her womb; we were satisfied by skilful *Matrons* of great Experience, that attended on purpose to observe *her Majesty* Exactly, that all the outward parts of her Body, that compass the womb were of the same proportion that they were at other times, save only her belly which was exceedingly copped up, and high, that shewed like a great bellied Woman to them that looked upon her *Majesty* before; but said they, when we saw her *Majesty* walking, and looked upon her behind, and on each side, we saw not the least appearance in her of a great bellied Woman, we took care to have the fashion of her *Majestys* Body observed by skilful Women at several periods of time during her supposed pregnancy, and once a very short time before her pretended Delivery, and we had always the same account, we have here faithfully given *Your Highness*.

We compared this Circumstance with another that we had marked, whereof we had from time to time full assurance during all the four last Months time of her *Majesties* supposed being with Child, those being the Months wherein usually all the circumambient parts of the Womb swell most, we were very well informed that in all these Months *Her Majesty*, contrary to her former usual course, always withdrew from her Chamber, and retired into her Cabiner or some other private room, with two or three *Italians*, when she changed her Linnen, and would never permit any one of the *Protestant* Ladies of the Bedchamber to see her change her Linnen, as they had constantly done.

Those two circumstances explained each other, and plainly shewed that the natural naked and true shape of *her Majesties* Body, as it was then, was not to be seen by those that were not of the Confederacy in the intended Imposture; those that were only capable of being lawful Witnesses for her *Majesty* against common Fame (if Fame had belyed her) those were all excluded from a possibility of seeing whether her belly was truly and naturally great, and a few foreigners of no Quality were only to keep the Secret of what *Her Majesty* was to make the coping belly.

Nothing can be more manifest then it is by all these Circumstances taken as they ought in connexion each with other, that there hath nothing appeared of the natural plainness and simplicity that always accompany truth in the whole Deimeanor of her *Majesty* from the time of her pretended Conceiving a Child to the very time of her feigned delivery of this supposed Prince of Wales; all that hath been acted in the matter, hath plainly imported Trick and Design to hide and smother Natures Works, that ought to have been most freely exposed to the whole World, if there had been any truth in the pretences that could have born the Light, we may securely affirm to *your Highness*, that in all the eight Months and four Days first reckoned to have been the time of her *Majesties* Pregnancy, or from the time of her going to Bath in the new Reckoning, there never hath been any of these constant natural signs in her *Majesty* that could afford to any understanding Man or Women a ground to believe that she conceived a Child.

The Progress towards finishing the intended Imposture of this Prince of Wales hath been answerable to its beginning. In the preparation for *her Majesties* supposed Delivery there hath been no regard to the rules of natural Equity or Law, or common prudence, nor any appearance of that open freedom and naturally plain proceeding that ought to have shewn that they did not fear the Kingdom, or the World knowing the truth of all that should be done in that pretended natural work of Bearing a Child, wherein the whole Kingdom, and so much of the World was concerned; if the Customs and Laws of England, or natural Equity had been consulted in the Circumstances of the Case about the preparations needful for *her Majesties* expected deliverance of a Prince, the first of all Advices had certainly been to give early notice to *your Highness* and to others in the nearest possibility or expectation of succeeding to the Crown of the time of her expected travel and deliverance of a Prince and of the place of her residence at such time. That proper Noble Matrons, and others, might have prepared themselves, and attended there, and have been present in their behalf, which might have suppressed and silenced for ever by their Testimonies, all Suspicions of Fraud or Imposture.

But 'tis not only undeniable, that no such notice was given either to her Royal Highness or to any of Confraternity with her, nor to any other of the Noble Matrons of England, but such Artificers were used as might most conceal the time and intended Place of her pretended Travel, such feigned time of her supposed Conception was published by the King and Queen, that neither her Royal Highness nor any of the Nobility could possibly foresee the time when the Comedy that is now said to have been acted was to begin.

The Place where her *Majesty* was intended to lye in was kept in such uncertainty, and often published so variously, sometimes that it should be at Richmond, sometimes at Windsor, another time at Hampton-Court, that none of the Nobles of either Sex, that were of the Kindred and Friends of the Heir Apparent, nor of the Protestant Nobility, could know how to prepare themselves for attendance on her *Majesty*, as was their duty to Their Majesties, Her Royal Highness, and the Kingdom.

As the Publication of the place was often changed, as if a surprise in the place was designed, so at last such a sudden and seeming hasty Resolution was taken a day or two before her pretended Delivery, that her lying in should be at St. James's, tho none expected the time to be near by above three Weeks, that Commands were given for preparing her Lodgings there so hastily, that when *her Majesty* said on the Friday, She would lye there on Saturday, and it was told her it was not possible her Lodgings should be ready, She then said, She would lie there on the floor.

It was hoped by all the Protestants that the Princess of Denmark, would have been a faithful watcher for her own sake, when the time of *her Majestys* deliverance of her great belly should come; tho she had not been able, or she durst not give them advice of the occurrences in the time of *her Majestys* supposed pregnancy, it was thought that she could not be avoided but she would be present to see what was brought forth, whether any thing or nothing; but care was taken, that advice should be given her when she wanted astringent Medicines

decides to go to the loosening Waters of the Bath, to keep her fourscore Miles distant till the pretended Prince should be born.

At the first Notice we had of her *Majesties* *passionate Declaration*, that She would lie at St. *James's* on the *Saturday Night*, we could not conjecture that there was to be a *pretended Prince* brought forth on the *Sunday*, nor was there any Whispers of it, or the least natural, Feigned or Counterfeit sign of fore-running Pains of a Woman, whose time of Travel approacheth. Her Majesty was late in the Night at Cards, and no appearance of an indisposition then, nor is any pretended to have been in the Night; but we learned by the Event on the *Sunday* the reason of Her Majesty's fixed and immoveable Resolution to lie at Saint *James's* on the *Saturday Night*, she was to seem to bring forth a *Prince* on the *Sunday*.

There was a cunning contrivance to chuse a fit time of that day ; it was to be between the hours of nine and ten in the Morning, that all or most of the *Protestant Ladies* might be at Church, and the Trick be over before their return, and that the Midwife Mrs. *Labady*, and the Favourite Mrs. *Tourain*, might have Freedom and Secrecy, as they had, to act their Parts in the bringing forth of a *supposititious Prince*.

The Room also that was chosen, wherein the *Trick was to be acted*, was fit for the purpose, and contrary to the Rules of *Common Prudence* in a Case suspected for setting up a *supposititious Child* and ought to have been avoided, if their meaning had been just and good; there was a private Door within the Rail of the Bed into a Room, from whence a Child might be secretly brought and put into the Bed, unseen by any that should attend in the *Queen's Room*, tho at the feet of the Bed (none of them coming into the Rail) and by that Door the three Confidants, the Midwife, Mrs. *Labady*, and Mrs. *Tourain* brought into her *Majesties* Bed what they pleased unseen.

If they had wanted no secret conveyance by that Door, common Prudence required that they had nailed or sealed it up to avoid confirming and increasing the *Kingdoms just and known Jealousies*, of imposing upon them a *Counterfeit Prince*, when it should be known, that there were such secret ways as made it so easy to be done by Confederation, undiscerned by others that were in the Room; but it appeared by the Event that the privy Door was so necessary for the *designed Imposture*, that all the Transactions of it were managed by that Door, as is well known to all those Lords of the Council that were brought for a shew, not to see any thing that was done, but only to be seen in the Bed-Chamber with His Majesty, that their Names might be published to the People, as if they had been Witnesses of the *Queens being delivered of this pretended Prince*.

The Civil Law provided as a Rule of common natural Equity, that when a Woman was to be delivered of a *Posthume Child*, that might defeat another appearing Heir, that the Chamber wherein she was to be delivered should have but one Door, and if there were more, that they should be sealed up with the Seals of both Parties, and that Keepers should be set at the single Door, and no Woman suffered to enter until she was searched in all kinds, that no Child might be conveyed to the Woman in her real or supposed Travel; and tho' we have no expresse Statute that gives direction in such Cases, yet our Common Law abhors all appearance of Fraud about Inheritances, and hath appointed some of the most able Neighbours to judg of all the Signs and Appearances of Fraud, and ~~to appoint~~ ^{to choose} ~~one of them~~ ^{of them} Heirs, who may also judg upon presumptive Evidence, and reject any pretended Heir, where they see signs of Fraud and Imposture whereupon to ground their Judgment; and every one must at his peril take care that there be no grounds of suspicion given of a supposititious Heir.

We have faithfully shewed *Your Highness* what were the Preparations for *her Majesties* supposed time of *Travel*, wherein there appeared no Marks of an Intention to deal uprightly and openly with *her Royal Highness* as *Heiress* apparent of the *Crown*, and with the Subjects of the *Kingdom*; nor were there any natural signs that *Her Majesty* really feared or expected the common *Sorrows, Pains and Danger* of a *Woman in Travel*, or made any futable Provisions.

We cannot learn, that there were in readiness so much as the usual *Instruments of Midwives*, whereupon they commonly place all Women of Quality in their time of Travel, that such Assistance may be given them by the *Matrons* and *Midwives*, as is not possible to be given on their Knees, which is the common Posture of meaner Women; and least of all, as they lie in their Bed, which is seldom used until the length of the Travel, and Failures of Strength enforce it: There being many natural Reasons for the Posture of the Womens Bodies helping them in their Travel.

Amongst other suitable Provisions, it had been certainly fit that a *Colledge of Physicians* had been called to attend somewhere near to Her Majesty, if She had not known there could be no need of them, and had not been sure there could be no hour of danger to her self in a *feigned Travel*, nor any sudden need of *Physicians* Advice or help to a strong lively *supposed Princee*, that was intended then to be brought forth.

As all the Preparations for her *Majesties supposed time of Travel*, discovered to knowing and observing People that there was no reality in her pretences made of a great Belly, so the *Fiction and Fraud* was made more manifest when the *Trick* came to be acted.

Her Majesty lying in Bed with all the Curtains round close drawn, all that was provided belonging naturally to a Child, and intended to be used by them, in their bringing forth the *suppositions Prince*, being prepared and ready within the inner Chamber, then Her Majesty's feigned Travel began; and all these things were, by the help of the Midwife, Mrs. Labady, and Mrs. Tourain, the Confederates, brought through the Door in the Wall by the *Queens Bed*, and put between her Sheets, that is, a Child, and all that naturally attends a Birth. Then the Midwife and the Confidents seemed very busy about Her Majesty in the Dark, none seeing what they did, and being afraid, as appeared by the *Midwife's Words* that the Child, which was prepared to sleep, to prevent its crying before it was got into the Bed, should be stifled by the Closeness of the Bed, they were forced to hasten the *Queen's pretended Delivery* even beyond what was reasonably to be believed, not-

withstanding all that could be said of the *Lady of Loretto*, or any other *Saints Assistance*; therefore the *Queens supposed Deliverance* was in very short time.

But nothing appeared in *Her Majesty* like the *real natural Travel of a Woman in Child-bearing*; there were none of the usual natural Signs in *Her Majesty* of being in real Travel, which cannot be hidden; there was no appearance of an approaching Travel by various intermitting Pangs usually very great by the Infants struggling to free it self of the Womb; no shew of the Pains naturally and gradually increasing, as more of the Ligatures came to be broken, or rent, whereby every Infant is safely retained in the Womb, until its full growth and appointed time; there were no Signs of *Her Majesties* known Weakness in bearing such Pangs in her State of Body, debilitated with long lingering Infirmities; there were no Signs of a violent Eruption of an untimely Birth from the *Womb of eight Months and four days*, as *Her Majesty* then reported it to have been.

All that was to be feigned was suddenly dispatched, and the Midwife delivered something close covered to Mrs. Labady, which could be nothing but the Child they had put in, and went with it together through the privy Door in the Rail of the Bed into the next Room in so great haste, that it was not considered how plainly it might discover that it was a meer *feigned counterfeit Travel* of the *Queens*, if the Midwife durst quit her attending and assisting *Her Majesty* in those moments, when there was the *greatest Necessity* of her Skill and Assistance in her Office, and the most extream danger of her *Majesties* Life by any neglect of her if she had really brought forth any Child, as they were obliged to pretend.

Instead of fair open freedom in shewing that the *Queen* was really delivered of a *Prince*, which our Customs, and Laws, and natural Equity required, that all those works of Nature might have been seen, and testified by *noble Matrons*; their pretended Birth of a *Prince*, and all that they did about it, was done in the dark, with the Curtains close drawn round about the Bed, and under the Coverings of it, and none of either Sex permitted to see any thing done about *Her Majesty*, or her *supposed Child* save only the Confederates; no others of those in the Bed-Chamber, that drew as near as they might, were suffered to see what was taken out of the Bed, being something wholly covered, and immediately carried away by the private Door.

All hearkned after the common and most constant natural Sign of the Birth of a living Child, that is, its crying; but we are fully assured from *divers Lords of the Council*, and others that were in the Bed-Chamber, that the crying of a Child was heard by none there when the pretence was that a Child was born, tho' the *Midwife* would not at first say it was a *Prince*.

We have related to *Your Highnesses* no Circumstances but such as are notoriously known, or could be judicially proved before any impartial Court of Judicature; and therefore we will not offer to *Your Hs.* those Conjectures (tho we have them from good hands) of what was acted about the *pretended Prince* in the Room from whence he was brought, and to which he was carried, before the Lords of the Council, or any others were told that there was a *Prince born*; but we have it of certainty from those that were present, that during the whole *Feigned Travel of the Queens*, and a considerable time after it, his *Majesty* kept those *Lords of the Council* at far from the feet of her *Majesties* Bed, that were close shut up, and they neither saw nor heard any thing about the Birth of the *supposed Prince* whereof they can be lawful Witnesses to the Kingdom; yet the Actors of this whole Imposture had the Confidence to publish forthwith to the Kingdom by Authority, that *those Lords and many Ladies* of Quality were present at the *Queen's Delivery* of a *Prince*, equivocating therein like the *Jesuits*, and falsely insinuating to the People, that *those Lords*, and many *Matrons* of the Nobility had been such ocular Witnesses as our Laws require of the *Queens* being delivered of a *Prince*, whereas in truth all that were not of the Confederacy waited to no more purpose than if they had been ten Miles off her Bed-Chamber.

After long waiting *His Majesty* left them, and retired into the inner Room where was Mrs. Labady and the Confidants with the *supposed Prince*, and it was soon after said to the Lords, that a *Prince* being born there was no more need of them, whereupon several of them went away, and whatsoever was done in *shewing a Child* to those that staid, was not worthy of our Inquiry, since it could be of no use to *Your Highnesses* or the Kingdom.

Yet we carefully observed and inquired after the *Queens supposed Deliverance* of a *Prince*, whether there were any natural demonstrable signs in her *Majesty* that she had newly born a *Child* that had broke its way by Violence into the World before Natures time, as she then affirmed. Some of us know well the usual and necessary Consequences of such force upon Nature in Women of such tenderness, and weakness as *her Majesty*; we expected to have heard of her great Weakness, and danger of her Life by a *Feaver* that commonly attends such untimely Births; we inquired after the danger of her *Majesties Breasts* by the usual redundancy of Milk, because one had reported so long before that she had plenty of it in her Breasts; we imployed proper Persons to ask what Woman had the Honour to draw her Breasts, or whether any applications were made to her Breasts to repel, or dry the Milk; and also to ask after the good progress of her *Majesty* in the *natural Cleansings* that follow Child-bearing; and of her strength in bearing these unavoidable Consequences, whereby all Women of her *Majesties* Tenderness and Weakness are greatly debilitated; but we could never learn by our most diligent inquiry that there was any appearance of these natural Effects of Child-bearing, tho a good Doctors skill might have easily feigned all those to the delusion of all about her *Majesties* Court.

We have now given *Your Highness* an abstract of many of the Circumstances which we had collected in this Affair, and must freely affirm, that we cannot observe from the beginning to the end of it one

footstep of sincere plainness; all that hath been done therein from the *Queen's pretended Conception* to her *supposed Delivery* of a *Prince*, hath shewed desires, and intentions to hide the truth of those natural things which they were obliged by the *Laws of England*, by *natural Justice*, and by their own *Honour* and *Interest* to have made demonstrable or proveable by sufficient *Witnesses* to all the *Kingdom*, if there had been truth in their pretences.

There hath been such a total neglect, slighting and disregard of all the necessary *Rules of Law* and *Justice* about needful *Witnesses* of the Birth of a *Prince* and *Heir* to the *Crown* (when they knew that most of the *Kingdom* suspected their setting up a *Counterfeit*) that it looks like a contempt of *Your Highnesses* and the whole *Kingdom*, as if no Satisfaction were due to her *R. Highness* in her admission of an *Heir* to the *Crown* before her, nor to the *Kingdom* in their acknowledgment of a *Prince* to be the next *Successor* to the *Crown*.

The most modest Judgment we can make of it, is to think that a blind Zeal (always nourish'd by the *Romish Church*) to settle a *Popish Successor*, hath made them break through all the *Rules of Righteousness*, and stifle and extinguish all the natural Affections of a *Father* to a *Child*, to do a Service to their Church, which is by their *Doctrine* so meritorious.

Your Highnesses will the better consider all these Circumstances mentioned, if you will please to call to mind the Occasion and Time when this Design was first resolved on to set up a *Prince* to bar her *R. H's* of the immediate *Succession* to the *Crown*.

Be pleased to remember, that 'tis before observed, that the going to the *Bath*, and the visit to *St. Wifreds Well*, and the Present made to the *Lady*, were preparations for a Report of the *Queen's* being with Child, and were all concluded upon about the end of *August* and beginning of *September* 1687, and then was your *Highnesses* compliance with the *Popish Design* despaired of.

The abstract of Mr. *Steward's* Letters to *Mijn Heer Egel*, which we just now find printed, confirms all our Memorials in that Matter. He was *Pardoned* and chosen by the *King* to have perswaded your *Highnesses* to a consent, that the *Penal Laws* and *Test* should be repeal'd, which had been a full establishment of *Popery*; in his two first Letters of *July*, he seeks to perswade your *H's*, that the *King* was resolved to preserve, and observe the true right of *Succession* to the *Crown*, and was very desirous of your *H's* consent and concurrence in his Design, and troubled to find them so averse from it: in his next Letters of the same *July* he pressed, that your *Highnesses* should have been disposed to hearken to a well-chosen Informer to be sent by his *Majesty* to perswade your concurrence with him; and he presseth extremely for a hasty Answer; the new Councils for setting up a *Suppositional Prince* seem then to have been begun.

That Letter seems to threaten what we now see if your *Highnesses* refused; he doubled his assurance to him that was to solicit your *Highnesses*, that if you were obstinate (as they call it) it will be fatal to the *Dissenters*, and he feared productive of Ills yet unheard of: And his Letter of *August* 5. seems to give your *Highnesses* your last time to chuse the *Settlement of Popery* or to resolve to be true to the *Protestant Religion*.

He says, if your *Highness* did what was her best Service to the *Protestants*, the highest Obligation on his *Majesty*, and the greatest advancement of your own Interest, that you could think on; but if not, then all is contrary. There can be no other meaning in saying, if your *Highnesses* refused, all is contrary, save only this, that the *Protestants* should then have no Mercy from the *Papists*; His *Majesty* would be so offended that he would become your *Highnesses* Enemy; and it would be the loss of your *Highnesses* greatest Interest that you can think on, which certainly could be no other than the just Expectancy of the three *Kingdoms*.

As these Letters threaten that the *King* would destroy your *Highnesses* greatest Interest if you refused, so the attempt of it soon after appeared.

It's now known, that in *September* and *October* the Resolutions were taken to publish that the *Queen* was with Child; but before it was publicly declared, that is *October* 8. Mr. *Steward* says, he would use no more Arguments to your *Highnesses*, but he then laments your *Highnesses* loss of the time of compliance: Alas, said he, that *Providence* should not be understood. Then in *November* he speaks more plainly (notwithstanding your *H's* moderation towards the *Papists*, and their Liberty was shewn by *Mijn Heer Egel's* Letter, he says, that all hope of your *H's* concurrence in the *King's* Design was quite given over, and Men were become as cold as here, as your *H's* were positive there: And upon his new Conference with the *King*, he not only shews the *King's* dislike of that Letter, but says expressly, That your *H's* Answer was too long delay'd, and that the *King* was quite over that matter. There can be no other reasonable construction of this, than that the *King* had then resolved of another way to prosecute the *Popish Design*, and time hath now shewn and proved to the World that the way resolved on was to set up this *Suppositional Prince* for a *Popish Successor*.

These Letters, by the help of time, shew the Design when it was in *Embryo*, and help to make a Judgment upon all the other Circumstances that we have mentioned; and no doubt if an Evidence made up of all the Circumstances we have mentioned, in their order and connexion, were given to any impartial Judges, it would be judged as strong a presumptive Evidence as ever was given; and in the proceedings of our *Laws* against *Criminals*, Judgment hath passed against the Lives of many upon far less Evidence, this being as full as the nature of the thing can possibly suffer in your *H's* and the *Kingdom's* Case.

But notwithstanding this sort of Circumstantial Evidence be sufficiently forcible and convincing to disinterested Persons, to prove this *supposed Prince* to be an *Impostor*, and it may be more Circumstances of the same nature are known to your *Highness*, yet we most humbly pray your *Highness* to wave insisting upon any

of them, as entirely, as if you could neither prove nor knew more about this *pretended Prince* than common Fame hath proclaimed without contradiction.

It no ways belongs to *your Highnesses*, nor to the *Kingdom*, to prove the *Falshood* of his *Pretences*, or any Circumstance about his Birth; and it would be very prejudicial for *your Highnesses* to take upon you the burden of producing Witnesses and Proofs, and admitting *your Highnesses* Adversaries to dispute their force and sufficiency, when it belongs to them wholly and only, to bring forth such lawful Witnesses in due numbers, as may satisfy *your Highnesses* and the *Kingdom* of the Truth of their Pretences; and 'tis an infinite wrong to *your Highnesses* and the *Kingdom*, that they have not done it long since, if there had been a *true Prince* born of the *Queen*.

Since 'tis the *Kingdoms* great concern as well as *your Highnesses*, we are the bolder to propose, that the Method of Defence against the publick Injury be made according to the known Laws and Customs of *England*, that is, That an open free demand be made in the name of her *R. Hs.* as *Heiress* apparent of the *Crown*, and in behalf of all the People of the Realm, that there be forthwith declared and published to the *Kingdom* a sufficient Number for this Case, of lawful Witnesses of either Sex, such as the *Laws of England* and *Natural Justice* require in the Case, who do testify, that according to the usual practice of their respective Sexes at the Birth of *Princes*, *Heirs* to *Crowns*, they were Eye-Witnesses that the Child now called the *Prince of Wales* was naturally born of the *Queen's* Body.

'Tis but just, regular, and modest for *your Hs.* to make that Demand, and your insisting upon it to be done immediately, without the least delay, is no more than the Right of *your Hs.* and the *Kingdom*, as must be confessed by all that either know the Rules of natural Justice, or the *Laws of England*. Our Laws require and demand an entry to be made upon all Intruders into the Rights or Inheritances of another; there ought to be legal Interruptions made of all wrongful Possessions however obtained. A long permission of an *illegitimate Child* to pass for a *legitimate Heir*, is of dangerous consequence to the *true Heir* of an Inheritance; 'tis a known Rule both in our *English Laws*, and the *Civil Laws*, *Tacens longo tempore presumitur consentire*, he that remains long without answering any thing to an Intruders claim, seems to allow it.

We crave pardon that we must freely tell *your Hs.*, that it hath been our astonishment that *your Hs.* have been so long silent, and have deferred to make your just demand, and that you have so long suffered her *R. Hs.* *Chaplains* to pray publicly for this *supposed Prince of Wales*.

Your Hs. Heart cannot desire the God of Truth and Righteousness to prosper such an Invasion of your own and the *Kingdoms* Rights, nor to bless the *Impostor* as such, being set up (tho an Innocent Child) to be a Tool in the hands of others to destroy the *Protestant Profession*, *your Hs.* claims to the greatest Inheritance, and the best Civil Government known in the World. We believe *your Hs.* to be true *Christians*, that tremble in the Worship and Prayers before the Eternal Majesty, and therefore hope such a show of owning him will not be longer suffered to be acted before the great God that searcheth all the hearts of *Princes* and *Subjects*.

If *your Hs.* shall first make this just Demand, and Satisfaction therein be not given by the maintainers of the *supposed Prince*, *your Hs.* demand a retraction by the *Public* in all *Christian Kingdoms* and *States*, of the false News they have published of the Birth of a *Prince of Wales*, and their Vindication of her *R. Hs.* Right apparent to the *next Succession* of the *Crown*.

When a wrongful Claimer to be Heir of any Inheritance cannot prove his true Descent, the Court wherein he sues his Claim, not only rejects and damns his false Pretences, but openly declares the Counterfeit Tricks or Forgeries that they observe to have been attempted to support the false Claim, and our Laws enable the Heir that hath been disturbed, to demand by his Action against the false Pretender, Satisfaction for the Scandal of his lawful Title; and our Laws further require his prosecution for Justice against all the known Confederates in that intended Wrong and Fraud, for their several Crimes therein committed.

We are sensible, that most *Catholic Princes* have a prejudice to us in the Rights we claim as *English Protestants*, not knowing our Laws and Liberties, and we have therefore proposed these two Demands to be first in order made by *your Hs.* in the behalf of her *R. Hs.* and the *Kingdom*, that we might convince them that we have Reason and Justice, according to their own Laws and Rules of Right, to seek *your Hs.* Protection against the King's Practices (as they yet appear) in forcing us to stoop to a *Counterfeit Prince*, and to change the *Succession* of the *Crown* and the whole Government; *your Hs.* having therein a joint Concern with us, and our Laws, and Nature itself, call upon you to defend your own and the *Kingdom's* Rights, to preserve the *Succession* of the *Crown* as it is by the Laws established, which the *King* had no pretence of Power to Change.

But we must also humbly fly to *your Hs.* to protect us against the horrible destruction made by the *King* of all our Laws for the Reformation of our *Christian Religion*, and our Security against the open professed and mortal Enemies of our Liberties therein, the *King* having declared to the World, that those Laws shall never hereafter be put in Execution; and to make our Case therein desperate, hath caused his Judges to justify him in what he hath done.

We must also pray *your Hs.* help against his Invasion of all our *Civil Rights* and *Fundamental Liberties*, and his utter subversion of the Free Government of *England* by its ancient Customs and Laws.

We cannot doubt but *your Hs.* will be convinced by this Memorial, that we have not complained of our Oppressions until they are become intolerable; nor sought any Relief (save from God alone) until your Highnesses

nesses justly expected inheritance, and the very being of our Civil Government are in the most extream danger of utter ruine:

We are and have been truly *Loyal* to the *King*, and never refused obedience to any of his legal Commands, or any whatsoever that could consist with all our other Duties to *God* and our fellow *Subjects*. We have been content, to suffer personal wrongs and manifest Injustice, and considered the Corruption of Men, that abuses and particular wrongs will happen in all Governments, and ought patiently to be born, whilst the Fundamentals of Civil Government and Justice are sacredly preserved. Our Christian Charity taught us, that 'tis better that a few suffer wrongs, than to hazard for their just Relief more effusion of Blood, or other Mischiefs than can be recompensed by their obtaining Right. We know the *Jesuites* crafts might have clouded the Justice that might have been demanded in particular Cases; and we have therefore staid until the Justice of what we pray, is become demonstrable unto all that are not corruptly and wilfully blind, or led blindfold by the *Jesuites*, or *Romish Priests*.

We are sensible that the *King* hath used the Name of the *Royal Authority* and *Prerogative* in all the *lawless powers* that he hath exercised, and we durst not pray your His. aid against his doings, if there could be reasonably any doubt or question, whether the things he hath done and daily doth, might be authorized by the *Royal Powers* and *high Prerogatives* which belong to the *Kings of England*.

'Tis most unquestionable, that the *Noble English Monarchy* and *Government* had a *legal Foundation*, and was and is established upon *Customs*, *Franchises* and *Laws peculiar* to the *English Nation*. It was always free and independent upon all the *Powers* and *Potentates* on Earth; the *Kings* and the *People* are, and of right were always free and absolute to bind themselves by their own *Laws*, made by their joyned consent, and not otherwise; they could never be bound by any others than themselves, save only by the *Laws of the most high God*.

A *King of England* cealeth to act by the *English Kingly Authority*, or as a *King of England*, if he yield up himself or his *Subjects* to be bound or subjected to any other *Laws*, *Canons* or *Jurisdictions*, than such as are made or freely received by the mutual agreement of the *King* and the representative Body of the *Realm* in *Parliament*.

'Tis declared in the *St. 16 R. 2. 5.* that the *Crown of England* had been so free at all times, that it hath been in Subjection to no *Realm*, and that the same ought not in any thing touching the *Regality* to be submitted to the *Bishop of Rome*, nor the *Laws* and *Statutes* of the *Realm* to be by him frustrated or defeated at his Will, to the perpetual destruction of the *Kings Sovereignty*, *Crown* and *Regality*, and of all the *Realm*. The *Commons* then prayed the *King*, and him required by way of Justice, to examine all the *States* of the *Realm* how they would stand to defend the *Rights* of the *Crown* and the *Realm* against the *Pope*; and it was thereupon ordained, that all that should pursue or bring any *Bulls* or *Instruments* from *Rome* against the *Kings Regality* or his *Realm*, should be put out of the *Kings Protection*, and incur a *Premunire*, which, as the *Law* then was, made it lawful for any man to kill them.

Likewise the *Stat. of 24 H. 8. 12.* and *25 H. 8. 21.* say, that the *Realm* hath been, and is free from Subjection to *Mans Laws*, but only to such as have been devised and made within the same for its own welfare, or of their free *Liberty* received by their consent to them.

The *King* and *Parliament* near four hundred years since were so resolute to defend the *Rights* and *Freedoms* of the *Crown* and the *Realm* against the *Imp.* Jurisdictions and Powers which he attempted to exercise; that notwithstanding they by the *Stat. of 18 Ed. 3. St. 1. Rot. Parliament. num. 38.* declared that the *King* was an Enemy to the *King* and the *Realm*, and so he stands now declared; and to the purpose the *Roll Parliament 17 Ed. 3. num. 59.* Tho these *Stat.* are not printed, their force is the same to make them to fall into the Condition of *Enemies* to the *King*, as that correspond with him or his *Nuntio*.

It never was in the *Power* of any *King of England* to yield up or submit the *Rights* of the *Crown* and the *Realm*, and its *Laws*, *Powers* or *Jurisdictions* of any sort, against the Will of the *Realm* in *Parliament*; so it was confessed 500 years since *K. H. 6.* in his Letter to *Pope Paschal*, *Natum habeat sanctitas vestra, quod me vivente [auxiliante Deo] dignitates & usus regni nostri Anglia non imminuentur; Et si ego (quod absit) in tanta me dejectione possem, Magnates mei & totus Anglia populus nullo modo pateretur. Be is known (said he) to your Holiness, that whilst I live (by Gods assistance) the Authorities and Usages of the Kingdom of England shall never be diminished; but if I would so debase my self (which God forbid) my Nobles and the whole People of England would by no means suffer it.*

King John indeed unworthily surrendered the *Crown* and *Regalities* to *Pope Innocent* the 3d, and his Successors, and the *Priests* falsely put into that Charter that it was by the consent of his Council of *Barons*, he submitted to hold the *Kingdom* of the *Pope*, and that by yearly rent again; but when *Pope Gregory* the tenth in the third of *Ed. 1.* sent for that pretended Rent, that *Noble Prince* justly answered, that he was bound by his Oath in his Coronation, to preserve the rights of the *Kingdom* untouched, and that he could do nothing that concerned the *Crown* without the advice of the *People* in *Parliament*, which are there called *Proceres*. See *Roll. Clar. 3. Ed. num. 9. Shed.* See *Cooks Inst. fol. 13.*

In the 40 of *Edward the Third*, the *Pope* demanded the same Rents, and the *King* proposed it in *Parliament*, but they declared, that neither *King John* nor any other *King* had any power to put himself or the *Realm* and *People* into subjection to the *Pope* without their consent in *Parliament*; and that if it were done by *King John*, it was done contrary to his Oath in his Coronation; and if the *Pope* attempted any thing thereupon against the *King* or his *Subjects*, they would resist him to their utmost power.

The same *King Edward* the third had only negligently suffered the *Popes power* to be too much used in the *Kingdom*, contrary to the *Statute of Carlisle 35 Ed. 1.* as appears by the *Parliament Roll 17. Ed. 3. num. 99.* and

and the Commons in *Parliament* complained that the *Treasure* of the *Realm* was transported to *Rome*, and the *Secrets* of the *Realm* discovered by the *Foreign Priests* sent hither, and they required of the *King* some *Mercy* for that they neither could nor would any longer bear those strong *Oppressions*, or else that he would help them to expel out of this *Realm* the *Popes Power* by *Force*, and thereupon were enacted against many of the *Popes Powers* in this *Realm* those severe *Penal Laws* of 25 *Ed. 3.* 27 *Ed. 3.* 1. 38 *Ed. 3.* *Stat. 2. ch. 1.* all which our *King* hath now declared shall never hereafter be put in *Execution*.

That *Victorious Prince* *Edw. 3.* tho a *Papist*, yet pretended to no *Regal Prerogative* of suspending the *Laws* made by the *Kings* and *Parliaments* against the *Pope*, he confesseth in that *Statute* of 35 *Edw. 1.* against the *Pope's Power*, that it held its *Force* being not annulled by *Parliament*, and therefore he was bound by his *Oath* to see the same kept as a *Law* of the *Realm*, tho by *Sufferance* and *Negligence* it had been attempted to the *Contrary*.

If the *Effects* of the *Romish Jurisdictions* in the *Realm* were looked upon as they are related in that 38 *Edw. 3.* 1. It would be manifest that the *King* that would put the *Kingdom* into such a state, lays aside thereby his *Kingly Office* and *Dignity* whilst he pursues these *Intentions*; that *Statute* saith, that by the *Powers* exercised by the *Pope* and *Court of Rome*, and the *Dependants* thereof, the good ancient *Laws*, *Customs*, and *Franchises* of the *Realm* were greatly impeached, blemished, and confounded, the *Crown* abated, the *Treasure* and *Riches* of the *Realm* carried away, the *Inhabitants* and *Subjects* of the *Realm* impoverished and troubled, and the great *Men* and *Commons* in *Bodies* and *Goods* damnified; surely there can be no doubt whether the *King* hath any *Royal Prerogative* to enable him either to stop the *Execution* of these *Penal Laws* that prevent the *Kingdom* from falling back into such a forlorn *Estate*, or to attempt by pretence of *Liberty of Conscience* for the *Romish Priests* and *Emissaries*, and their *Practices*, to enable them to work all the mischief they can against those that would save the *Kingdom* from such *Miseries*.

Your *Highnesses* may be absolutely certain, that the *King* acts not by virtue of the *English Regal Office* or *Prerogatives*, in his authorizing *Treasons* to be daily committed against the *Realm*. By the *Statute* of 13 *Eliz. 2.* they that give or receive any *Absolution* or *Reconciliation* to *Rome* by the *Popes Authority*, or any of his *Priests*, which the *King* licenseth and authorizeth to be done continually, those are declared high *Traitors* to the *King* and the *Realm*; and no doubt *Treasons* declared by a *Statute* against the *Realm* are common *Nuances* of the highest *Nature* and *Mischief*; 'tis the trust of the *Regal Office* to prevent and punish them, and 'tis directly *Contrary* to the *Kingly Office* to assume *Power* to authorize or license such *Crimes*.

'Tis unquestionable that no *King of England* ever had power to grant *Offices* to persons disabled to bear them by positive and direct *Acts of Parliament* made for that very purpose, and declared to be for the peoples security; nevertheless the *King* hath put most of the *Offices* of the *Kingdom* in the hands of those that are so disabled.

Its as certain it never was in the power of our *Kings* to dispossess at their *Wills* any of the subjects of those interests and profits which they had for their lives; nor to Commission any to judge his Subjects finally in matters criminal or civil by their discretion without any regard to the *Laws*, *Customs* and *privileges* of the *Realm*.

These and many other powers which the *King* might name to your *Hs.* are not the actings of an *English legal Monarch*; but an anarchy of Persons, the *Liberties* and *Interests* of the Subjects, as if he alone had at least the *Property* paramount in all their persons and their *Interests*, which in all civil Governments belongs only to the *Lawful Legislators*; and as if the people of *England* were *Tenants* of his meer will to what they have, and had no right nor *Interest* in their *Laws*, *Customs* or *Franchises*, nor *Justice* to demand the benefit of them.

Nothing can compleat his Majesty's renuntiation of the *Trusts* and *Obligation* of the *English Regal Office*, save only that he assume (as he now doth actually) to take from the *Cities* and *Boroughs* intirely all their *Customs* and *Privileges* and *free Election* of their *Magistrates*, confirmed to them expressly by the great *Charter*, and many other *Laws*; and that he deprive all the rest of the people of their *Liberty* to chuse such persons as they please according to the *Statutes* to Consent for them to the *Laws* that shall bind them their *Estates* and *Lives*, as he hath declared he will, and intends, and is every day doing; and then the *antient rightfull* and *Free English Government* will be manifestly and intirely dissolved, and *Englishmen* shall have no *Legal* right to their *Estates*, their *Wives* and *Children*, or their *Lives*.

There will be then no legal *English Monarchy* in *England*, trusted by the *Laws* with high *Royal Prerogatives* for the joynt safety and benefit of the *King* and the subjects, acknowledging themselves to be bound by an *Oath* to maintain the *Customs*, *Laws* and *Franchises* of the *Realm*; and to take continual care for the *Execution* of the *Laws* impartially for that purpose; every man shall then have equal and eternal right to every thing as this *King* will, and his *Popish forces* shall dispose of it, and so long only as he shall please to continue in the same mind with the same force.

'Tis with bleeding hearts that in this manifest extream oppression and danger we beg your *Highnesses* aid to defend the rights of the *Crown* and the *Realm*.

There can be no question of your *Hs.* right to defend the same, the *Legal Monarchy* and *Government* by our antient *Customs*, *Laws* and *Franchises*, to save the antient *Penal Laws* against the *Popes Usurpations*, and the latter *Laws* for the Reformation of our Religion from *Popery*, and to preserve the special *Customs*, and *Privileges* of the *Cities* and *Boroughs*, as well as the *General Customs* of the *Kingdom*; which our *Customs* and *Laws* only have vested in your *Hs.* the next right Expectant of the *English Crown*, and (if no Prince shall be born,)

born,) *Rege etiam renitente*, tho the King shall do all that's possible for him to hinder you.

If you suffer them to be destroyed, or to be disused and deemed to be of no force, but as the King shall please by his *Judges* and *Courts*, and by all that he shall possess of the Power of the Kingdom, Your Highnesses claim and rights as *Expectant* of the *Crown* is in like manner destroyed, and set aside; and the whole arbitrary Magistracy serving his Will, and all his *Papish forces*, *Foraigers* and *Natives*, will be engaged in Interest and misguided Conscience to oppose your Highnesses claim; by the Laws and Customs of *England* there will be indeed in the State to which the King hath brought the Kingdom, no legal *Magistrates* nor *Government* in being and use unto which her *Royal Highness* can immediately succeed according to the Customs and Laws of *England*; the *Kingdom* must be a confused Multitude, and the strongest may subdue the rest to their Will.

As your Highnesses have a right to save the Government by reason of your great Interest in it, so all the People have an unquestionable right to seek your Highnesses Aid therein; and 'tis one of the principal Duties of the Christian Religion, and will be one of the best outward Expressions of their Love to God and *Jesus Christ*, to assist your Highness in all your righteous ways, defending their Just *Civil Government*, being instituted by God for preserving Justice among humane Societies.

The People that love their Neighbours, and Countries, as Christian Religion commands, ought not carelessly nor irreligiously to suffer their Civil Government, their Laws, and all their Rights and Interest that their Country hold by them for themselves and Posterities, to be destroyed by any Man's Will, Superstition or Ambition.

He that was at first a *Legal Supream Magistrate*, and ought to have been obeyed if he would have so continued, tho he had done many Injustices to particular Persons, he may cast off the Quality and Use of the Power of a *Legal Supream Magistrate*, and use and exercise Power destructive to all the *Legal Trusts* and *Office*; and then he divests himself of that *Office* and *Trust* of a *lawful Magistracy* unto which the Laws of God and the Kingdom require Obedience.

The ancient *Kings of England*, acknowledged the Peoples Right to save their *Free Government* if any of the *Kings themselves* would have dishonorably parted with the Rights of the *Crown* and the *Realm*. We mentioned the Letter of *H. I.* to the *Pope*, and that great Prince *Ed. I.* on the like occasion of Power claimed by the *Pope*, not only writ to the *Pope* to the same Effect as *H. I.* did, but by his consent Letters were written to *Pope Boniface* by the Lords and Commons in *Parliament*, wherein they told the *Pope*, that they were bound by Oath to the Observation and Defence of their *Liberty*, *Customs* and *ancient Laws*, and would maintain them with all their Power and Force, and that they neither did nor ever would, could or ought to suffer the King tho he would, to do, or any ways attempt what the *Pope* desired contrary to their Customs, since it would be to the Destruction of the Rights of the *Crown of England* and the *Kingly Dignity* and the Subversion of the Statutes of the Kingdom, and Prejudice of their antient *Liberties*, *Customs*, and *Laws*.

Since then your *Hs.* have an undoubted right to interpose between the King and us in your own and the *Kingdoms* behalf, to save our ancient legal Government, and in special our Laws for the Reformation of our *Christian Religion*, we humbly offer, that besides the former Demands about the *supposed Prince*, your *Hs.* will please to demand and insist immovably:

Rot Parliament
28 Ed. 1. see
Cooks instituti
2. fol. 98.

That the *antient free Government of England* by its *ancient Laws* only, made, or approved in *Parliament*, be immediately restore all that is, that the Rights of the *Crown* and Freedom of the *Realm* be forth *Submissions* publickly made to the *Pope* by the King that now is, to the Dishonour of the *English Crown*, and *Realm*; and from all the Claims made by the *Romish Church* any Powers and Jurisdictions whatsoever over the Christians, or *the English*.

That all the Laws now in force against the Admission of the Canons, and Jurisdiction of *Rome*, contrary to our Customs and Laws, and against the maintainers of them, be forthwith declared to be put in due Execution, and all Suspensions of them, or Dispensations with them without the Authority of *Parliament*, be declared null and void.

That the *Ancient Customs*, *Liberties* and *Priviledges* of the *City of London*, and the whole form and course of its Government, be forthwith restored, the Customs thereof being part of the *Common Law of England*, and its Liberties being established by the great *Charter*, and many *Acts of Parliament*; that the *Customs*, *Free Election* of their *Magistrates*, and all the *Priviledges* of all the *Cities* and *Boroughs* of *England* confirmed by the great *Charter*, and other Laws, be duely restored.

That Legal Officers both Civil and Military, be settled in all the Places of Magistracy, and all the Commands throughout the Kingdom.

That all Commissions whatsoever be forthwith revoked and declared null and void, whereby are granted any Powers of Discretion over the Persons, or Interest of the Subject, contrary to the Laws and Customs of *England*, especially the Commission for *Ecclesiastical Affairs*, with its monstrous *non obstante* to all our Laws.

That the Freedom of Elections, which is the Foundation of the Government, be duely vindicated, and all the most unworthy Preingagements revoked, and renounced; to elect and vote as the King would have them.

That the Kingdom may be restored as soon as possible to a Capacity of holding a *Legal Parliament*, in such Form and Manner as the Laws require, by whose help the Civil Government may be reestablished, and force and arbitrary Powers therein utterly abolished.

We crave your Highnesses Pardon, that we further humbly offer to your Highnesses, that time and accident always made Changes in the Usefulness of Laws, and that it hath so happened in our *Penal Laws* made for Uniformity in the Profession of Faith, and in the outward Worship of God; four of our succeeding

Parliament perceived the abuse of these *Laws*, and the Mischief thereby to conscientious Christians, and declared their Intention of relieving them if the King would have permitted them; and they endeavoured to stop the Execution of them, and desired a Settlement of Liberty of Conscience as is due to Christians.

In these Regards, and the Subversion of the whole Government since made, Necessity and Charity may have the force of *Laws* to inforce the stay of the Execution of some of those *Laws* for Conformity until those Matters may be settled in *Parliament*.

We therefore humbly pray your *Highness* to procure, as a case of Necessity, that none be disturbed until a *Legal Parliament* shall have resolved the case for the Profession of their Faith in Matters merely supernatural, or the outward Expression of their Worship, so as both terminate only in God, and neither wounding nor hurt any Man on Earth in Body, Goods, and good Name, but their own Souls only if they be mistaken therein.

We now most humbly submit our selves, and all herein contained, to your *Highnesses* Wisdom, Candor and Charity, and shall pray the just and great God to fill your noble Souls with perfect Love and Wisdom, and all the most resplendent Vertues that are fit to shine in the highest Thrones and Power that ever the Sun beheld.

Sr, The Character we have had of your *Worth*, makes us confident of your *Faithfulness* to deliver the inclosed forthwith to his *Highness* the *Prince of Orange*, or in his Absence to her *Royal Hs.* the *Princess*; we could not trust it by the Post, and therefore have sent it by an Express, which may perhaps make it longer in coming; the Messengers only Order is to deliver it to one of your Servants, and we confide in your Integrity, and remain,

To Monsieur, *Messieurs Bentinck*
at the *Hague*.

S I R, Your most humble Servants,
whom you may hereafter know.

Hand
of
the
author

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ART
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M.DCC.XLVI.